

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
Ex Rel. NYOKA LEE and)	
TALALA MSHUJA,)	
)	
)	
Plaintiff,)	No. CV-07-01984
)	PSG (MANx)
vs.)	
)	
CORINTHIAN COLLEGES, INC.; ERNST &)	
YOUNG, LLP; DAVID MOORE; and)	
JACK D. MASSIMINO,)	
)	
Defendants.)	
_____)	

VOLUME I

VIDEOTAPED DEPOSITION OF: NYOKA J. LEE

MONDAY, DECEMBER 17, 2012, 9:07 A.M.

SANTA ANA, CALIFORNIA

REPORTED BY:

KIMBERLY REICHERT, CSR
CERTIFICATE NO. 10986

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA,)
Ex Rel. NYOKA LEE and)
TALALA MSHUJA,)
)
Plaintiff,) No. CV-07-01984
) PSG (MANx)
vs.)
)
CORINTHIAN COLLEGES, INC.; ERNST &)
YOUNG, LLP; DAVID MOORE; and)
JACK D. MASSIMINO,)
)
Defendants.)
_____)

Videotaped deposition of NYOKA J. LEE,
Volume I, taken on behalf of the Defendants, before
Kimberly Reichert, Certified Shorthand Reporter No.
10986 for the State of California, with principal
office in the County of Orange, commencing at 9:07
a.m. on Monday, December 17, 2012, located at
Corinthian Colleges, Inc., 6 Hutton Centre Drive,
Santa Ana, California.

1 schools and stuff like that, you know, like
2 alternative schools. So I guess that would be for
3 profit.

4 Q What do you mean by "alternative schools"?

5 A Oh, they have schools that are like
6 schools for students who don't do well in academic
7 settings. And they set up schools, alternative
8 schools for their training, hands-on training in
9 different areas.

10 Q And were these high school students --

11 A Yes.

12 Q -- that attended the schools?

13 A Uh-huh.

14 Q Okay. Other than --

15 A Yes.

16 Q Other than this consulting work that you
17 did with alternative schools from time to time prior
18 to 1999, did you have any other work that you did in
19 the education sector before 1999?

20 A Let's see. I can't remember anything.

21 Q So let's talk about your employment at
22 Corinthian. You started there in 1999?

23 A Uh-huh.

24 Q Do you recall what month you started?

25 A Well, let's see. I think it was at the

1 beginning of that year.

2 Q Okay. And in what capacity were you
3 employed in 1999 at Corinthian?

4 A I was employed as an independent test
5 proctor.

6 Q What were your responsibilities in that
7 position?

8 A To test students who were coming into the
9 school to enroll and get an education.

10 Q Did you have any other interaction with
11 the students other than proctoring the exams?

12 A No.

13 Q So you had no responsibility for
14 recruiting them to the school?

15 A No.

16 Q Is that right?

17 A Not as a proctor, no.

18 Q Okay. And how were you paid as a test
19 proctor?

20 A As an independent consultant.

21 Q So did you have an independent contract
22 with the school?

23 A Yes, I did.

24 Q And what -- what was your pay based on?
25 Was it based on an hourly rate or how were you paid?

1 A I was paid hourly.

2 Q So the only thing your compensation
3 depended on as a test proctor was how many hours you
4 worked; is that right?

5 A Yes.

6 Q It didn't depend on how many students
7 passed the test; is that right?

8 A That's correct.

9 Q And it didn't depend on whether they
10 enrolled in the school; is that correct?

11 A That's right. Correct.

12 Q Did you receive any bonuses during the
13 time that you worked as a test proctor?

14 A No, I did not.

15 Q How long did you work as a test proctor
16 for the school?

17 A Approximately nine months.

18 MS. YOUNG: I'm handing you what we'll mark as
19 Exhibit 1.

20 (Defendants' Exhibit 1 was marked for
21 identification by the deposition officer and is
22 bound under separate cover.)

23 BY MS. YOUNG:

24 Q Ms. Lee, what I just handed you is a
25 document titled "Independent Contractor Service

1 Agreement."

2 And if you turn to the third page, under
3 the signature line for "Contractor," is that your
4 signature there?

5 A This page (indicating)?

6 Q Correct.

7 A Yes, it is.

8 Q And did you sign this document on
9 November 19th, 1999?

10 A Yes, I did.

11 Q And is this --

12 A I thought it was the beginning of that
13 year. I see it's 11/99.

14 Q Is this when you commenced your employment
15 with Corinthian, in November of 1999?

16 A I believe so, yes.

17 MR. LEVY: Can you give her a minute to look
18 through it?

19 BY MS. YOUNG:

20 Q Take a minute to look through the
21 document, Ms. Lee.

22 A Okay. Yes. Okay.

23 Q Okay. And this is the agreement that set
24 out the terms of your employment as an independent
25 test proctor with the school?

1 A Yes.

2 Q At what location did you work as a test
3 proctor for the school?

4 A San Francisco.

5 Q Did you work as a test proctor for the
6 school in any other location?

7 A For this school or --

8 Q For Corinthian.

9 A No, I did not.

10 Q Okay. And then you think you were in this
11 position for about nine months?

12 A Yes.

13 Q What did you do next?

14 A Well, I got recruited into the admissions
15 department.

16 Q Okay. Who recruited you?

17 A Cary Kaplan, who was the director of
18 admissions at that time.

19 Q And is this again at the San Francisco
20 campus?

21 A Yes.

22 Q Did you join the admissions department at
23 the San Francisco campus?

24 A Yes.

25 Q When did you do that?

1 A What month or --

2 Q If you can recall.

3 A I think it was August.

4 Q In August of what year?

5 A So this was '99. So that would have been
6 2000. From 11 to -- to August. I think that's nine
7 months, isn't it?

8 Q Uh-huh.

9 A Yes.

10 MS. YOUNG: Well, I tested your memory. I have
11 a document here we can look at that nails it down,
12 but let's see. We'll mark this as Exhibit 2.

13 (Defendants' Exhibit 2 was marked for
14 identification by the deposition officer and is
15 bound under separate cover.)

16 THE WITNESS: Thank you.

17 BY MS. YOUNG:

18 Q So take a moment to look at this document.
19 This is a letter dated August 8th of 2000 titled
20 "Confirmation of employment." And at the bottom it
21 says "Accepted by" and there's a signature.

22 Is that your signature at the bottom?

23 A Yes, it is.

24 Q And it says here that -- in the first
25 paragraph you can see it congratulates you on your

1 new position at Bryman College.

2 And it says, "Your starting date" -- at
3 the end of that paragraph it says, "Your starting
4 date will be August 14th, 2000."

5 Does that sound about right?

6 A Uh-huh, it does. Thank you.

7 Q Okay.

8 A Or should I say "yes."

9 Q I take it you read this letter before you
10 signed it?

11 A Yes.

12 Q Is that your practice, you read through
13 documents before you sign them?

14 A Yes, it is.

15 Q And you understood that signing the letter
16 would indicate your agreement with what was in the
17 letter; correct?

18 A Yes.

19 Did I miss something? Hopefully --

20 Q No, I'm just --

21 A Oh, okay.

22 Q I'm asking for your thoughts in signing
23 the letter.

24 A Yes, I signed it. Mr. Plant gave it to
25 me.

1 Q Okay. And it says here in the last
2 paragraph, "Your signature below will acknowledge
3 that there have been no representations by this
4 company or its agents or any other agreements
5 regarding your employment that are not reflected in
6 this agreement."

7 Do you see that?

8 A Yes, I do.

9 Q You read that before you signed it; is
10 that right?

11 A Yes.

12 Q And that was an accurate statement as of
13 the date that you signed that letter --

14 A Yes.

15 Q -- correct?

16 Okay. And what was your title when you
17 were hired into the admissions department?

18 A Campus admissions rep.

19 Q What were your responsibilities in that
20 position?

21 A My responsibilities were to recruit
22 students, motivate them to come to school -- come to
23 the school, interview them and get them tested if
24 they wanted to go to school and to encourage them to
25 meet with financial aid, see if they qualified, and

1 also give them a tour of the school, and enroll
2 them. Make sure they started on time, they stayed
3 in school until they graduated.

4 Q So it wasn't just to recruit them and get
5 them into -- in the door; right, you had continuing
6 responsibilities to these students?

7 A Yes, I did.

8 Q Okay. Was career guidance one of those
9 responsibilities?

10 A Sorry?

11 Q Was providing them with career guidance
12 one of those responsibilities?

13 A Well, they didn't say I was supposed to do
14 that, but I did it. You know, I provided them with
15 career guidance and encouraged them to continue
16 their education.

17 Q Okay. Did you have any responsibilities
18 as a campus admissions representative for
19 supervising other admissions representatives?

20 A Well, that wasn't in my contract, but I
21 did it because I was good at my job and Cary Kaplan
22 trusted me and he wanted me to do it.

23 Q As a campus admissions representative,
24 were you ever in a position to fill out a formal
25 performance evaluation of other admissions

1 representatives?

2 A No, I was not.

3 Q So supervising other admissions
4 representatives may have been something you did, but
5 it wasn't officially part of your job description?

6 A No. I wasn't really supervising them. I
7 was just being an example for them.

8 Q Okay. And how long did you work as an
9 admissions representative on the San Francisco
10 campus?

11 A For about six years.

12 Q Let's see if we can take a look at some
13 documents to maybe clear up the work history a
14 little bit. I realize a lot of this is in the past.

15 A Uh-huh.

16 Q And I'm not trying to trick you. I have
17 some documents that can maybe help us get a clear
18 chronology here.

19 A Okay. Great.

20 MS. YOUNG: I'm sorry. I keep bumping you.

21 THE VIDEOGRAPHER: That's okay.

22 MS. YOUNG: I'm handing you what we'll mark as
23 Exhibit 3.

24 (Defendants' Exhibit 3 was marked for
25 identification by the deposition officer and is

1 bound under separate cover.)

2 BY MS. YOUNG:

3 Q And I'd ask you to hold on to it. We
4 might come back to it again a little later. Oops.
5 Why don't you give that to the court reporter to
6 mark.

7 A All right.

8 Q And take a moment again to look at this
9 document. This is a letter dated June 4th, 2004.
10 It states, "I am pleased to confirm Terry Harty's
11 offer of employment and your acceptance of a
12 position at Bryman College, Hayward campus."

13 A Uh-huh.

14 Q And then if you look on the second page,
15 there's a signature line for "Accepted by." Is that
16 your signature in the line there?

17 A It is.

18 Q And the date on which this was signed was
19 June 10th, 2004?

20 A That's what this says, yes.

21 Q Okay. And do you recognize this document?

22 A Yes, I do.

23 Q And what is it?

24 A Well, it's giving me an outline of my
25 salary, of course, and the different dates that I

1 was supposed to be trained for specific job
2 descriptions that I was supposed to perform.

3 Q Okay. This document states -- where it
4 says "Start Date" in the margin on the first page,
5 you commenced employment in this position on
6 June 1st, 2004. And the title in that same section
7 says "Director of Admissions."

8 Did you become a director of admissions at
9 Hayward -- at the Hayward campus on June 1st, 2004?

10 A Yes, I did. I think that was the date,
11 but there was some confusion with that specific
12 transfer. It didn't take place properly.

13 Q Okay.

14 A So I'm not sure if that's the correct
15 date.

16 Q Did you start sometime in the month of
17 June in 2004 as the director of admissions at
18 Hayward?

19 A It couldn't have -- it could be that date
20 or it could have been -- I'm sure if it said June, I
21 started in June.

22 Q Okay. In June 2004?

23 A Yes.

24 Q And were you working as an admissions
25 representative in the San Francisco campus up until

1 that time, from 2000 up until that time?

2 A Yes. Yes, I was. Or, yes, I did I should
3 say.

4 Q So I don't think that's quite six years.
5 I think it's more like three years and -- and nine
6 months at San Francisco before you became a director
7 of admissions at Hayward.

8 A Oh, it was more than that.

9 Q Okay. Well, I -- I thought we just talked
10 about you starting to work as an admissions
11 representative in San Francisco --

12 A I was -- I thought you were speaking of
13 when I started employment because I did start in
14 1999.

15 Q Okay.

16 A And then I went into admissions. So...

17 Q All I'm trying to do is understand how
18 long you were an admissions representative in San
19 Francisco before you became the director of
20 admissions at Hayward.

21 A Uh-huh. Yeah. Well, that's from 2000 --
22 let's see. 2000 to 2004, maybe. Because I was a
23 student at University of Phoenix and I was an
24 admissions rep the whole time I was going to school
25 from when I started with my B.S. to when I finished

1 my courses, and my doctoral courses.

2 Q Okay.

3 A I was an admissions rep during that time.
4 I was going to school and working at Bryman at the
5 same time.

6 Q Okay.

7 A So that's how I was gauging how long I
8 worked there. And then I went to Hayward.

9 Q Okay.

10 A Okay. For a short period of time.

11 Q Just focusing on your stint as an
12 admissions representative in San Francisco, that was
13 from August of 2000 until about the end of May 2004;
14 is that right?

15 A Uh-huh. Yes, something like that.
16 Uh-huh.

17 Q All right. And again, just focusing on
18 when you first started in San Francisco as a campus
19 admissions representative, how were you compensated?

20 A Uh-huh. As a campus rep?

21 Q Uh-huh.

22 A Well, I was salaried. I was a salaried
23 employee.

24 Q Okay. And what was your starting salary?

25 A I think it was on this page right here

1 (indicating). It said 38-.

2 Q Are you referring to what we've marked as
3 Exhibit 2?

4 A This one, yeah, something like that.
5 Yeah, right here (indicating).

6 Q Okay. And the first paragraph says -- in
7 the last sentence of the first paragraph it says,
8 "As we discussed, your beginning salary is \$38,400."

9 A Uh-huh, yes.

10 Q Is that consistent with what you recall?

11 A Yes, it is.

12 Q And was there a compensation plan that
13 governed your employment as a campus admissions
14 representative?

15 A Compensation plan would be like how much I
16 was receiving or --

17 Q Well, was there any plan that told you
18 what you would have to do to be eligible for a
19 promotion or for a raise?

20 A In writing? There might have -- not at
21 that time. There might have been something that
22 came up later.

23 Q Uh-huh.

24 A Okay.

25 Q Yeah, I'm focusing just on when you were

1 hired. Did you ever --

2 A Well, this is what I received when I went
3 in there, was this letter here.

4 Q Okay. And did you --

5 A There was no compensation plan that came
6 with this.

7 Q Okay.

8 A That I recall.

9 Q If you look at the second-to-last
10 paragraph in Exhibit 2 that you were just looking
11 at, the second-to-last sentence of that -- of that
12 paragraph says, "You will not be eligible for merit
13 increase consideration until October 1st, 2001" --

14 A Uh-huh.

15 Q -- "at which time you will be reviewed
16 again.

17 "Admissions representatives will be
18 reviewed for Meritorious Performance in accordance
19 with the Meritorious Performance Compensation Plan,
20 which will be given to you on your first day of
21 employment."

22 Do you see that?

23 A Yes, I do.

24 Q And do you recall getting a meritorious
25 performance compensation plan on your first day of

1 employment?

2 A No, I don't. I don't recall receiving
3 that, but -- I recall receiving it later maybe, but
4 not on this.

5 Q Okay.

6 A Because I was given so many papers. It
7 could have been there, but I don't remember it.

8 MS. YOUNG: Okay. Let me show you a document
9 that was produced to us by your attorney. We'll
10 mark this as Exhibit 4.

11 (Defendants' Exhibit 4 was marked for
12 identification by the deposition officer and is
13 bound under separate cover.)

14 THE WITNESS: Thanks.

15 BY MS. YOUNG:

16 Q If you'd take a moment to review this.

17 MS. YOUNG: For the record, this document is
18 titled "Corinthian Schools, Inc. Campus Based
19 Admissions Representative Compensation Plan,
20 Effective October 1st, 1998."

21 Q And on the second page of this document,
22 again, there are some signature lines. Is that your
23 signature at the bottom of the document?

24 A Yes, it is.

25 Q And this document says, "Received,

1 acknowledged and agreed to this 10th day of August,
2 2000."

3 Do you see that?

4 A Yes, I do.

5 Q Did you receive this document on the 10th
6 day of August 2000?

7 A As far as I know, it was -- I signed it
8 the 10th.

9 Q And -- and this was produced to us by your
10 attorney. So is this something that you maintained
11 in your own file?

12 A Probably. Sometimes things were moving so
13 fast, I might not have signed it on that date, but I
14 used that date.

15 Q Okay. Do you see on page 2 there's a
16 heading B, "Promotion Criteria"?

17 A Yes, I do.

18 Q And that makes reference to "the
19 achievement of the performance criteria outlined in
20 the enclosed promotional guidelines."

21 Do you see that at the end of that
22 paragraph?

23 A I see that.

24 Q Did you also receive the promotional
25 guidelines that this paragraph references?

1 A Probably. I'm sure I must have.

2 Q Do you know what they were sitting here
3 today?

4 A I'm not sure. Not at this time. I don't
5 remember what they were.

6 Q When you were hired as an admissions
7 representative in 2000, were you given any other
8 documents that explained how you would be
9 compensated or when you would be eligible for a
10 promotion or a -- or a raise other than what we've
11 discussed?

12 A Not at that time. I have to say that.

13 Q Okay. And when you were hired as an
14 admissions representative in 2000, did you discuss
15 with anybody at the school how you would be
16 compensated?

17 A Compensated for enrollments or --

18 Q For your -- for your work there.

19 A Well, I discussed that with the director
20 I'm sure.

21 Q Okay. Do you recall the substance of that
22 discussion?

23 A Let's see. Not at this time. I don't
24 recall that.

25 Q Did you discuss with anyone at the school

1 what you would have to do -- and again, this is
2 focusing on the time when you were hired in August
3 of 2000.

4 Did you discuss with anyone at the school
5 in August of 2000 what you would have to do to be
6 eligible for a promotion or a raise?

7 A I'm sure I must have because I was told
8 that I needed to enroll students.

9 Q Okay.

10 A And I was hired to enroll students and
11 that's what I was supposed to do.

12 Q Who told you you needed to enroll
13 students?

14 A The director. Everyone knew you get hired
15 to enroll students. If you don't enroll students,
16 you get fired. That was the general conversation in
17 the admissions department.

18 Q Okay. I want to understand exactly what
19 the conversation was about. So is your
20 understanding that you needed to hire -- so -- so
21 you understood that you would be fired if you didn't
22 enroll students?

23 A Yeah, if you didn't --

24 MR. LEVY: Objection to form.

25 THE WITNESS: In other words -- I'm sorry.

1 MR. LEVY: Objection to form. It was just a
2 little confusing.

3 THE WITNESS: Well, everybody knew if you
4 didn't enroll students and meet your quotas, you
5 were out of there.

6 BY MS. YOUNG:

7 Q Okay.

8 A That was the general consensus in the
9 admissions department.

10 Q And what was --

11 A So I got busy.

12 Q What was the basis for that consensus?
13 Why did you believe that?

14 A Because of what was happening around me
15 and what I was doing.

16 Q Okay. Tell me what that was.

17 A I was recruiting students, getting them to
18 come to school and going by my leads that the
19 director gave me, leads -- he gave me specific
20 leads. And I had to transform the leads into
21 interviews and interviews into enrollments,
22 conversion rates. And I was responsible for doing
23 that.

24 That was my responsibility as an admission
25 rep -- admissions rep. Leads to interviews,

1 interview -- interviews to enrollments, enrollments
2 to starts.

3 Q Okay. So we started off by talking about
4 whether you discussed with anyone what you were
5 required to do in order to get a promotion or a
6 raise.

7 Did you have a conversation with anyone
8 when you were hired at the school --

9 A Uh-huh.

10 Q -- in 2000 about what you had to do to get
11 a promotion or a raise?

12 A I don't recall having specific
13 discussions. I was given paperwork to read and told
14 by the director on many different occasions what I
15 had to do, but I don't remember the exact
16 conversations. But I know that it was understood.
17 It was understood that you had to get enrollments
18 and -- and keep your numbers up.

19 Q Okay. You said you were told by the
20 director on many occasions about what you had to do.

21 Did you mean you were told by the director
22 on many occasions about what you had to do in order
23 to do your job or in order to get a promotion or a
24 raise?

25 A Well, that's the same thing, isn't it? Do

1 my job and get a promotion.

2 Q Did the -- did your director specifically
3 tell you what you had to do in order to get a
4 promotion or a raise or is that something you were
5 just implying from what she said or he said?

6 A No, I wasn't implying anything. The
7 director was circling the admissions department all
8 the time to make sure that we converted our leads
9 into interviews.

10 Q Yeah, I understand that your job was to
11 recruit students and that your director was trying
12 to make sure you did that.

13 A Okay.

14 Q What I'm trying to understand is what
15 specifically he -- it was a "he"; right?

16 A Uh-huh.

17 Q -- what specifically he said to you, to
18 the extent he said anything --

19 A Uh-huh.

20 Q -- about how recruiting students would
21 translate into getting a promotion or a raise.

22 MR. LEVY: Objection; form.

23 THE WITNESS: Okay. Let me see how I can word
24 this. I knew that I had to enroll students to get a
25 raise if I wanted one, but I don't know if he

1 specifically said that in our conversation, you
2 know.

3 That's what you're getting at; right?

4 BY MS. YOUNG:

5 Q Yeah. I'm trying to understand how you --
6 what made you know that you had to enroll students
7 in order to get a raise?

8 A The admissions environment made me know
9 that and the director of education, everything that
10 was happening at school made me know that.

11 Q Did anyone specifically tell you, "You
12 have to enroll a certain number of students to get a
13 raise"?

14 A Yes, the director would tell me that and
15 also the president, Mr. Plant, would tell me that,
16 and other admissions reps would tell me that.

17 Q So the director told you you had to enroll
18 students to get a raise?

19 A Uh-huh.

20 Q The director's name was?

21 A Cary Kaplan.

22 Q You say the president told you you would
23 have to enroll students to get a raise?

24 A The president told me that.

25 Q And the president's name was?

1 A And Jim Martin told me that.

2 Q Back up. The president's name was?

3 A Mr. Plant. At that particular time when I
4 was there it was Mr. Plant.

5 And Jim Martin would come and we would
6 have admissions meetings and -- and they would go
7 over the script with us and tell us what we had to
8 do to increase our numbers.

9 Q Who is Jim Martin?

10 A Well, at that time he was vice president
11 of marketing and sales.

12 Q You said other admissions representatives
13 would say you had to enroll students to get a raise?

14 A Yeah, people that had been working there
15 for a long time before I started.

16 Q Who were they?

17 A Who were those people?

18 Q Who told you -- who were the admissions
19 representatives who told you, "You have to enroll
20 students to get a raise"?

21 A Well, the people were -- that were working
22 there at that time. I'm sure they're not there now.

23 Q Do you recall any of their names?

24 A Yes, I recall their names.

25 Would you like for me to give them to you?

1 Q I would.

2 A Estella Aranas, Jan Dixon, Steve Aranas
3 (sic). Let's see. I can remember some other people
4 that were in that department at that time. Katie
5 Aspen, Daniel Vargas.

6 You need more?

7 Q I want the names of everybody you can
8 remember who told you --

9 A Okay. Well, that's it.

10 Q Just a minute.

11 -- who told you you have to enroll
12 students to get a raise.

13 A Well, they didn't say, "You have to enroll
14 students to get a raise." They said, "You have to
15 enroll students to keep your job." Now, if you kept
16 your job, you could get a raise.

17 Q So just so I'm clear --

18 A Uh-huh.

19 Q -- these admissions representatives you
20 just identified --

21 A Uh-huh.

22 Q -- none of them said to you, "You have to
23 enroll students to get a raise"; is that correct?

24 A Well, they all said that. People talked
25 in the admissions department. Everybody talked

1 about what you had to do to keep your job. And that
2 was part of the conversation that everybody knew and
3 everybody talked about and everybody was pressured
4 about.

5 Q I just -- I just want to make sure that
6 we're clear on --

7 A Uh-huh.

8 Q -- the difference between getting a raise
9 and being fired; okay?

10 A Okay.

11 Q So was the communication to you, "You need
12 to enroll students to get your job"?

13 A To keep your job.

14 Q To keep your job?

15 A Yeah.

16 Q Okay.

17 A Because if you didn't have your job, you
18 couldn't get a raise, of course.

19 Q Okay. But did anyone say to you, "You
20 need to enroll students in order to get a raise"
21 without talking about whether you needed to keep it
22 -- do it to keep your job?

23 A Well, the bottom line was if you enrolled
24 X amount of students, you got a raise. That was the
25 bottom line of that conversation.

1 Now, what don't you understand? Maybe I
2 could make you -- clear it up.

3 Q Well, I'm trying -- I'm trying to
4 understand where -- how you personally got to that
5 bottom line.

6 Is that something that you --

7 A I got there from working in admissions and
8 being in the daily routine of the job.

9 Q Okay. So you arrived at the bottom line
10 based on what you personally had to do in the job;
11 correct?

12 A That's right.

13 Q Which was to enroll students?

14 A Recruit them, enroll them, test them.

15 Q And your job -- okay.

16 A Let them get -- meet with financial aid
17 and start to school. That was what I had to do.

18 Q And you also arrived at the bottom line
19 because people talked about you would get fired if
20 you didn't enroll students?

21 A Well, people were getting fired. I was --
22 I saw what was happening. I saw exactly what was
23 happening. In other words, I was able to put it all
24 together in my head about what I needed to do for
25 myself to stay employed. And I got that from other

1 admissions reps, admissions reps from other schools,
2 you know, talking on the phone, observing people and
3 listening to conversations.

4 Q Okay. But -- but the conversations you
5 were listening to that caused you to conclude --

6 A Uh-huh.

7 Q -- that you needed to enroll students to
8 get a raise were conversations about you could get
9 fired if you don't enroll enough people?

10 A Yeah, and I saw people getting fired who
11 weren't doing it.

12 Q Were there any other types of
13 conversations that led you to believe that you had
14 to enroll students in order to get a raise?

15 MR. LEVY: Objection; form.

16 THE WITNESS: Well, I don't remember any. That
17 was enough. I didn't, you know -- I was in
18 admissions and I was doing what I had to do for my
19 spot in the cubby hole. And that's how I performed
20 like that. I didn't really talk to other people,
21 you know.

22 I heard conversations when I was working
23 there. I just did my job and I enrolled students
24 and recruited them. I mostly talked to my students
25 and I saw what was happening in the department.

1 BY MS. YOUNG:

2 Q And again, what you saw was happening was
3 people were getting fired if they didn't enroll
4 enough students; right?

5 A Yes, ma'am.

6 Q Okay. And again, this is --

7 A And I got fired for not meeting my numbers
8 when I went to Hayward. So -- and then I got hired
9 again and then fired again for not meeting my
10 numbers.

11 Q Okay.

12 A So if you didn't meet your numbers,
13 basically, the bottom line is you get fired.
14 They're not going to pay you to not enroll students.

15 Q Uh-huh.

16 A That was the general consensus in that
17 department.

18 Q Okay.

19 A Okay.

20 Q And we'll talk about all of that later.
21 I -- I just want to keep focusing on your -- your
22 first round of employment in San Francisco from 2000
23 to 2004; okay?

24 A Okay. Uh-huh.

25 Q So other than the documents that we've

1 Q Okay. And the 2000 date is the correct
2 date; is that right?

3 A I think it is because that's this date
4 here. This says 10th and that says the 14th, but
5 like I said, things were misconstrued sometimes
6 there at that campus. And sometimes I would get
7 papers and I wouldn't even sign them until a month
8 later maybe. I don't know. It wasn't necessarily
9 always on the date I got it.

10 Q Okay. But to the best of your
11 recollection, you started working as an admissions
12 representative at the San Francisco campus in August
13 of 2000?

14 A August -- because my hire date was 1999,
15 November. So I was a proctor for nine months and I
16 went into admissions that August.

17 Q Okay.

18 A So that would make it 2000.

19 Q Okay. Now, I think we looked earlier at a
20 compensation plan --

21 A I don't know why that was '01. I'm not
22 sure.

23 Q Okay.

24 A Okay.

25 Q I think we looked earlier at a

1 compensation plan that you signed when you first
2 started as a campus admissions representative in San
3 Francisco.

4 Do you recall that?

5 A Excuse me. One of these documents
6 (indicating)?

7 Q I think it was what we marked as
8 Exhibit 4.

9 A Okay. That's this -- that's this one.
10 2000.

11 Q Okay.

12 A Uh-huh.

13 Q And we now have in front of us a
14 compensation plan that you've signed in November of
15 2001.

16 Do you --

17 A Which exhibit is that?

18 Q Exhibit 5.

19 A Okay. This one. Okay.

20 Q Why did you sign a new compensation plan?

21 MR. LEVY: When?

22 BY MS. YOUNG:

23 Q In 2001.

24 A I don't recall. I don't know why. It's
25 signed right here. I don't know why this happened.

1 Q Okay. Before you signed this document,
2 did you go over it with anyone else?

3 A I don't recall.

4 Q Did anyone tell you that the school
5 doesn't actually follow this plan?

6 A Why would I be signing it and they give it
7 to me if they don't follow it? I don't understand
8 the question.

9 Q So no- -- nobody told you that "Here's the
10 plan, but we don't actually follow this plan," did
11 they?

12 A I don't remember anybody telling me that,
13 but it probably happened because they were always
14 saying something that might not happen sometimes,
15 you know.

16 Q It probably happened, but you don't know
17 if, in fact, it did happen, do you?

18 A Are you speaking of this document here or
19 just things in general?

20 Q No, I'm speaking about my question to you.

21 A Okay.

22 Q Which was did anyone tell you, "Here's the
23 plan, but we don't actually follow it"?

24 MR. LEVY: Objection to form.

25 THE WITNESS: Nobody told me that. I don't

1 recall anyone telling me that.

2 BY MS. YOUNG:

3 Q Let's look at the document within here
4 that starts -- it's actually page 4 of the exhibit.
5 The title of it is "Minimum Standards of
6 Performance."

7 A The one you just gave me?

8 Q Correct. It's what we've marked as
9 Exhibit 5.

10 A I don't see a page 4.

11 Q It's not numbered as page 4, but it is the
12 fourth page in the document.

13 A Okay.

14 Q And the title on it is "Minimum Standards
15 of Performance." That's it (indicating).

16 A Okay.

17 Q Okay. Are you with me?

18 A I'm with you.

19 Q Okay. What's your understanding of what
20 this document is?

21 A Well, it looks like what I was supposed to
22 do as an admissions rep.

23 Q Okay.

24 A Take all inquiry calls, return inquiry
25 calls. That's what I was supposed to do. It takes

1 -- it looks like that to me, what I -- what my
2 duties were.

3 Q Okay. And there's a list of 18 things
4 here on this document.

5 A Uh-huh, yes, I see it.

6 Q Were you supposed to do all those 18
7 things as an admissions representative?

8 A Probably, which was a lot.

9 Q Uh-huh. So let's just talk about a couple
10 of them. The first one is "Take all inquiry calls
11 from all potential students interested in knowing or
12 receiving information about the programs, including
13 entrance requirements, curricula and academic
14 standards."

15 A Uh-huh.

16 Q Was that one of the requirements of your
17 job?

18 A Yes.

19 Q Did you strive to do that?

20 A I strived to do everything that's on this
21 list.

22 Q Okay. And were your calls monitored, your
23 phone calls with prospective students, were they
24 monitored by your director of admissions?

25 A Sometimes and they would tell us that it

1 was monitored by corporate.

2 Q Okay. And what was your understanding of
3 the purpose of having those calls monitored?

4 A I guess they wanted to make sure we were
5 doing our job. I don't know. I never discussed
6 that with anyone.

7 Q Did you understand that your performance
8 was being evaluated based on how you were
9 communicating with the prospective students?

10 A Yes.

11 Q And that was one of the factors that your
12 director of admissions was looking at?

13 A All the time.

14 Q When you were doing your job; right?

15 A Yes, uh-huh.

16 Q No. 2 says, "Return inquiry calls promptly
17 to all potential students and give accurate
18 information about the programs, including entrance
19 requirements, curricula and academic standards."

20 A Yes.

21 Q And that was another responsibility in
22 your job?

23 A Yes.

24 Q And you tried to do that; right?

25 A Yes.

1 Q And this meant, among other things, noting
2 how -- giving accurate information to students?

3 A Giving as accurate as it was given to me.

4 Q Okay. And was that important to you, to
5 make sure students got accurate information?

6 A It was very important to me because I was
7 a student myself and I didn't want to misinform
8 anyone.

9 Q Uh-huh, of course. And -- and did you
10 understand that your director of admissions was
11 monitoring you to see that you were giving accurate
12 information to students?

13 A Yes, I sat right across from his office.
14 He could hear me talking.

15 Q And you understood that he would be
16 evaluating your performance in part based on whether
17 you were giving accurate information to people; is
18 that right?

19 A That was probably his job, to monitor me
20 on that, yes.

21 Q And you understood that that was his job;
22 right?

23 A Uh-huh. Yes, I did.

24 Q No. 3 is "Accurately classify all
25 inquiries by the appropriate media source and

1 account for all inquiries."

2 Do you see that?

3 A Yes, I do.

4 Q And that -- that again was part of your
5 responsibilities; correct?

6 A Yes.

7 Q Okay. And you tried to do that in your
8 job?

9 A Yes, I did.

10 Q And was it your understanding that your
11 director was monitoring your performance to see if
12 you accurately classified all inquiries that came
13 in?

14 A Yes, he would do that through the flash
15 sheets.

16 Q Okay. And "classify all inquiries by the
17 appropriate media source," what does that mean?
18 What do you understand that to mean?

19 A Which one is that? No. 4?

20 Q It's No. 3.

21 A No. 3. That meant that -- the media
22 source would be the zip code from all the leads that
23 I received.

24 Q Okay.

25 A It would have a zip code on it. So I

1 would organize those leads in zip codes when I would
2 call my students.

3 Q Okay.

4 A I believe that's what that means.

5 Q Okay. And I'm not going to go through all
6 of these, but just to touch on a couple of other
7 ones.

8 No. 5, "Comply with governmental
9 regulations and standards of accreditation as they
10 relate to enrolling students."

11 Do you see that?

12 A Yes, I do.

13 Q And that was part of your job
14 responsibilities as an admissions representative?

15 A Yes, it was.

16 Q And did you understand that your
17 performance was being evaluated in part by whether
18 you were complying with the governmental regulations
19 and standards of accreditation as they relate to
20 enrolling students?

21 A Yes, because I explained all that to my
22 students.

23 Q Okay. Another thing on here was -- just
24 take a look at No. 14 and No. 15. They're kind of
25 related. "Ensure that all pre-start paperwork is

1 completed."

2 That was part of your responsibilities?

3 A Yes.

4 Q And you tried to do that?

5 A Yes.

6 Q And you understood that your performance
7 would be evaluated based in part on whether your
8 prestart paperwork was complete; correct?

9 A Correct.

10 Q And same thing with No. 15, "Keep all
11 required reports current and accurate"?

12 A I did all those things, yes, I did.

13 Q And you understood that your performance
14 was being evaluated in part on whether you kept
15 required reports current and accurate?

16 A Yes, I suppose that's what Cary did
17 because I didn't -- you know, he had his own rules
18 for his evaluations on everybody in the department.

19 Q Okay. Say that one more time.

20 A You know, he -- he evaluated all of his
21 admissions reps. So I'm sure he had his own
22 evaluation criteria.

23 Q Do you know what his evaluation criteria
24 were?

25 A No, I never had a conversation with him

1 about it, but he expected high standards. I know
2 that.

3 Q Uh-huh.

4 A That's what he was getting from me.

5 Q Okay.

6 A Maybe he went by this list. I don't know
7 anything about that.

8 Q Okay.

9 Again, I'm so sorry.

10 THE VIDEOGRAPHER: If this is a good time, I'll
11 switch the tapes over now.

12 MS. YOUNG: Yes. Off the record.

13 THE VIDEOGRAPHER: The video deposition is now
14 going off record at 10:42 a.m. This will also
15 conclude video No. 1 in today's deposition.

16 (A recess was taken from 10:42 a.m.
17 to 10:51 a.m.)

18 THE VIDEOGRAPHER: The video deposition of
19 Nyoka J. Lee, Volume No. 1, is returning to record
20 at 10:51 a.m. This will also begin video No. 2 in
21 today's deposition.

22 The location is still 6 Hutton Centre
23 Drive, Fourth Floor, in Santa Ana, California. The
24 date is still Monday, December 17th, 2012.

25 And my name is Ali Saheb with Dean Jones

1 Attorney Video Services in Los Angeles and
2 Santa Ana, California.

3 BY MS. YOUNG:

4 Q Ms. Lee, I would remind you you're still
5 under oath. Do you understand that?

6 A Yes, I do.

7 Q And is there anything you would like to
8 change about your testimony you've given today?

9 MR. LEVY: No, there's nothing she would like
10 to change.

11 MS. YOUNG: I'm asking the witness. I would
12 like an answer from the witness.

13 THE WITNESS: No.

14 BY MS. YOUNG:

15 Q Okay. And just remember, our court
16 reporter is trying to take everything down.

17 A Uh-huh. Yes.

18 Q And sometimes you've been jumping in
19 before I finish my question. So please make an
20 effort to wait for me to finish completely before
21 you answer; okay?

22 A Yes.

23 MS. YOUNG: Okay. I'm handing you what we're
24 going to mark as Exhibit 6.

25 (Defendants' Exhibit 6 was marked for

1 identification by the deposition officer and is
2 bound under separate cover.)

3 BY MS. YOUNG:

4 Q Now, this is a document titled
5 "Confidential Employee Performance Review." You see
6 on the last page where there's a line for a
7 signature, employ- -- for "Employee Acknowledgment."

8 Is that your signature?

9 A Yes, it is.

10 Q And it's dated November 19, 2001?

11 A Yes, it is.

12 Q And beneath that it says, "Review of
13 Performance Discussion Summary and Employee
14 Comments."

15 Do you see that?

16 A Yes, I do.

17 Q Do you recognize the signature beneath
18 that line?

19 A Yes, it looks like Mr. Plant's signature.

20 Q Okay. And there are a couple of other
21 signatures on the same page in the box with section
22 Roman numeral VI. One is over a line for
23 "Supervisor."

24 Do you see that?

25 A Yes.

1 Q Do you know whose signature that is?

2 A Cary Kaplan.

3 Q Okay. And where it says "Approval," do
4 you know whose signature that is?

5 A It looks like Mr. Plant's signature.

6 Q Do you know whether Mr. Plant had to
7 approve this document?

8 A Well, he obviously did. It's his
9 signature on it. He's the president of the school.

10 Q Okay. What is this document?

11 A It says "Employee Performance Review."

12 Q Is this a performance review that you
13 received while working on the San Francisco campus?

14 A I was working there at that time, yes.

15 Q And is this a performance review you
16 received?

17 A Well, it's got my name on it and everybody
18 else's, so I received it.

19 Q Okay. Do you know -- and this form has
20 scores that are identified in various columns.

21 A I see that.

22 Q You'll see in section three there's a four
23 or a five in some of these columns, and then there
24 are other scores that are noted in the "Overall
25 Employee Rating" box there.

1 Do you see that?

2 A Yes, I do.

3 Q Do you know how the scores on this form
4 were awarded?

5 A Well, the director put them in there, the
6 director of admissions.

7 Q And that was Cary Kaplan?

8 A Yes.

9 Q Do you know how Cary Kaplan decided what
10 score --

11 A No, I do not. I don't know how he did it.
12 All I saw was the numbers.

13 Q Okay.

14 A I don't know how he came to the
15 conclusion. He never told me how.

16 Q Okay. And just remember to wait for me to
17 finish my question first, please.

18 A Okay.

19 Q Okay. Let's take a look at section three
20 of this form. It says "Performance Categories," and
21 then there are several of them listed here.

22 Do you see that?

23 A Which one?

24 Q In section three of the form.

25 A I see three, yes.

1 Q In that section there are a number of
2 different categories listed beneath that.

3 Do you see that?

4 A Uh-huh. Yes, I do.

5 Q There are about 15 different categories?

6 A Uh-huh.

7 Q Okay. And they're scored either
8 "Improvement Critical," "Needs Improvement,"
9 "Satisfactory," "Good" or "Excellent."

10 Do you see that?

11 A Yes, I do.

12 Q Okay. You don't know how Mr. Kaplan
13 decided where you fell in this grid, do you?

14 A No, I don't know how he made his
15 decisions.

16 Q Do you agree with the scores that you
17 received here?

18 A I agree in terms of if they're accurate
19 or --

20 Q Yeah, is that an accurate assessment of
21 your performance?

22 For example, the first criteria,
23 "demonstrates job knowledge and skill level required
24 for the position," and you got a five for excellent.

25 Did you agree with that assessment?

1 A When I first looked at this, I probably
2 didn't agree.

3 Q Why not?

4 A Because I felt I was excellent in all
5 those areas, but I didn't get excellent. But, you
6 know, like I said, I don't know how he evaluated me.

7 Q Okay. So you got "Good" in some and
8 "Excellent" in others. You felt you should have
9 gotten "Excellent" in everything; is that right?

10 A Yeah.

11 Q And none of these categories here ask
12 whether you met an enrollment quota, do they?

13 A I don't see that on there. No, I don't.

14 Q Take a look at section four, "Major
15 Accomplishments."

16 A Okay.

17 Q And right under that it says, "Zero to 25
18 Points of Evaluation," and then there's a little
19 narrative about your work.

20 Do you see that in that box?

21 A Uh-huh. Yes, I do.

22 Q It says, "Nyoka has an outstanding work
23 ethic; arrives to work focused and prepared. She is
24 highly organized and pays attention to detail. She
25 relates exceptionally well with students and has

1 excellent customer service. It is my recommendation
2 that Nyoka receive a promotion from Campus
3 Admissions Representative to Senior Admissions
4 Representative."

5 Do you see that?

6 A Yes, I do.

7 Q And did you agree with that assessment of
8 your performance?

9 A Yes, of course, I did.

10 Q And again, you don't know how Mr. Kaplan
11 arrived at this particular assessment; right?

12 A Not from these numbers here, if that's
13 what you're asking me.

14 These numbers here (indicating), you're
15 asking me about them?

16 Q No, I'm asking about what he wrote in --
17 in the box No. 4.

18 A I have no idea other than the fact that he
19 observed me when I was working and he wrote
20 something he was feeling honest about.

21 Q Okay. So you have no knowledge of
22 Mr. Kaplan's basis for the ultimate score he awarded
23 you on this performance evaluation?

24 A How could I know? No.

25 Q Were you offered a promotion at this time?

1 A When I received this paper?

2 Q Correct. And remember --

3 A According to this, I was offered one from
4 campus to senior.

5 Q Okay. It says, "It's my recommendation
6 that Nyoka receive a promotion from Campus
7 Admissions Representative to Senior Admissions
8 Representative."

9 Do you --

10 A And I'm sure he based that on my numbers.

11 Q Okay. Why are you sure he based that on
12 your numbers?

13 A Because he based everything on numbers,
14 you know, and then he had to fill this in because
15 this is the paper that they gave him to fill in. So
16 he had to fill it in.

17 Q Okay. But he didn't tell you he was
18 making the recommendation for your promotion because
19 you met your numbers, did he?

20 A He always told me that.

21 Q He told you that you were being
22 recommended for a promotion because you met --

23 A Well, he was always interested in my
24 numbers.

25 Q Oh, I understood he was interested.

1 A Uh-huh.

2 Q I want to understand if he told you that
3 the reason he was recommending you for promotion --

4 A Yes, he told me that. Yes, he did.

5 Q Let me finish my question.

6 A Okay. Sorry.

7 Q I want to understand if he told you that
8 the reason that he was recommending you for
9 promotion on this form in November of 2001 --

10 A Yes.

11 Q -- was because of the numbers that you met
12 as an admissions representative?

13 A Yes.

14 Q When did that conversation take place?

15 A I have no idea. I can't answer that
16 question.

17 Q Did anyone else hear that conversation?

18 A I don't know.

19 Q What else did he say during that
20 conversation?

21 A I don't know.

22 Q Do you know where it happened?

23 A Probably in the admissions department.

24 Q Okay. Was it in his office? Was it in
25 the hallway?

1 A It could have been in his office. It
2 could have been in the hallway. It could have been
3 at lunch. It could have been --

4 Q It could have been, but you don't remember
5 where it was?

6 A No, I don't remember when I had that
7 conversation with Cary, but he was always talking
8 about it with me.

9 Q About what?

10 A My numbers.

11 Q Your numbers?

12 A Yes. Because my numbers meant his
13 numbers.

14 Q Uh-huh.

15 A So that's how that worked.

16 Q Okay. But you can't recall if you
17 actually got promoted at this time, can you?

18 A Well, this is the paperwork for it. This
19 was my promotion right here. That's what this is.
20 It says it right there, campus rep to admissions rep
21 -- I mean, to senior rep.

22 Q Where are you looking?

23 A Right here (indicating).

24 Q Where it says a "recommendation"?

25 A Yes.

1 Q You don't -- you don't know if that
2 recommendation was accepted, do you?

3 A I worked there. Of course, it was
4 accepted because I was still at that company.

5 Q Were you promoted to senior admissions
6 representative in November of 2001?

7 A I was promoted, yes, and then I got
8 promoted again.

9 Q My question was --

10 A Yes, I was promoted.

11 Q Please let me finish my question before
12 you answer.

13 A Okay.

14 MR. LEVY: Objection to form.

15 THE WITNESS: Finish, finish.

16 BY MS. YOUNG:

17 Q Were you promoted to a senior admissions
18 representative in November of 2001?

19 A Yes, I was.

20 Q And you're certain of that date?

21 A Yes, I am.

22 MS. YOUNG: Let's take a look at some other
23 documents. I'm handing you what we're marking as
24 Exhibit 7.

25 (Defendants' Exhibit 7 was marked for

1 identification by the deposition officer and is
2 bound under separate cover.)

3 BY MS. YOUNG:

4 Q This is a document that was produced to us
5 by your lawyer. It's titled "Corinthian Colleges,
6 Inc. Turnaround Document."

7 Do you see that at the top?

8 A Yes, I do.

9 Q Okay. And look in the box where it says
10 "Job Information." Do you see that?

11 A Which one?

12 Q No. 4. It's got the number 4 by it.

13 A Yes, I see that.

14 Q Okay. And then it has one column that
15 says FDT (sic). Do you have an understanding of
16 what that means?

17 A Up here, FDT -- EFFDT? Is that the one
18 you're looking at?

19 Q Uh-huh.

20 A No. What is it?

21 Q No. I'm asking if you understand what
22 that means?

23 A I said no. What is it? I'm asking you
24 what it is.

25 Q I'm not here to answer the question,

1 Ms. Lee.

2 A Okay. Well, then, no, I don't.

3 Q So you don't know if that means "effective
4 date" or something else?

5 A It probably means -- EFFDT probably means
6 "effective date."

7 Q Okay. And right underneath that is the
8 date August 2nd, 2002.

9 A Uh-huh. I see that.

10 Q In that same row it says, "Job Title,
11 Senior Campus Admissions Representative." Do you
12 see that?

13 A Yes, I do.

14 Q Did you -- were you promoted to senior
15 campus admissions representative on August 2nd of
16 2002?

17 A Well, if this is saying -- I'm not sure if
18 these dates are correct, you know. I'm not sure,
19 but I know I was promoted from campus to senior,
20 senior to master.

21 Q Uh-huh.

22 A I don't know if the dates are correct. I
23 can't tell you at this moment.

24 Q Okay.

25 A Because that transpired already. I can't

1 tell you that.

2 Q Okay. Is that your signature at the
3 bottom of this document?

4 A It is.

5 Q And this document was signed on
6 November 5th, 2003?

7 A Yes, it is. According to this paper, yes.

8 Q Okay. And where you see the numeral
9 ten -- do you see that?

10 A Yes, I see No. 10.

11 Q Where it says "Remarks," it says, "Changed
12 From Senior to Master Rep." Do you see that?

13 A Yes.

14 Q Did you receive a promotion from senior to
15 master representative on or around November 5th,
16 2003?

17 A According to this document, I was.

18 Q Is that consistent with your recollection?

19 A As far as I can tell, yes.

20 Q Okay. So is it fair to say you're not
21 sure exactly when or exactly what the date was when
22 you were promoted from a campus admissions
23 representative to a senior admissions
24 representative?

25 A I don't recall that because it was a while

1 ago. I don't know those dates.

2 Q Okay. That's completely understandable.

3 A So no is the answer.

4 Q Okay. So you mean yes, it's fair to say
5 that you don't remember exactly when you received
6 that promotion?

7 A Yes, it's fair to say that.

8 MS. YOUNG: I'm handing you what we will mark
9 as Exhibit 8.

10 (Defendants' Exhibit 8 was marked for
11 identification by the deposition officer and is
12 bound under separate cover.)

13 THE WITNESS: Thank you.

14 BY MS. YOUNG:

15 Q This is another turnaround document. Is
16 that your signature at the bottom of the page?

17 A That's my signature.

18 Q Okay. And it's dated in March of 2002.
19 Do you see that?

20 A Yes, I do. I can't see the two on my
21 signature, but I see it above that, yes.

22 Q Did you receive a raise in or around March
23 of 2002?

24 A This looks like I did.

25 Q Okay. Do you recall the reason for that

1 raise?

2 A It looks like Mr. Plant was in a good mood
3 that day. I don't know. I don't recall the reason,
4 but I'm looking at this paper and it looks like I
5 received a raise.

6 Q Okay. And the other people who signed
7 these documents, do you recognize those other
8 signatures?

9 A Yes, it's Cary and Mr. Plant.

10 Q Okay.

11 A Same signatures.

12 Q Okay. In the -- next to the numeral ten
13 there's a box called "Remarks." Do you see that?

14 A Yes, "Employee Hires." That's where you
15 are?

16 Q Uh-huh. And it says, as best I can tell
17 from reading the handwriting, "Employee hired in at
18 very low wage and new employees with less experience
19 are hired in at projected wages of something like
20 \$45,000 due to high cost of Bay Area."

21 Do you see that?

22 A I see it.

23 Q Do you recall being given that reason as
24 the reason why you were getting this raise?

25 A No, I don't recall that.

1 Q You don't recall any reason you were given
2 for getting this raise; is that correct?

3 A No, I don't recall, but I see what
4 Mr. Plant wrote.

5 Q Okay. We looked in Exhibit -- what was
6 it -- Exhibit 7 a document showing that you received
7 a promotion from senior to master campus admissions
8 representative.

9 Do you see that?

10 A Yes, I do.

11 Q What's your understanding of why you
12 received that promotion?

13 A Once again, Blanca, anytime you received a
14 raise, it was because you had outstanding numbers
15 for enrolling students. And I'm -- I'm pretty sure
16 I enrolled some students. And I got it because
17 that's how you got your raises.

18 Q And again, did you have a conversation
19 with anyone in which they told you that the reason
20 you were being -- getting that promotion from
21 master -- senior to master campus admissions
22 representative in 2003 was because of the number of
23 people you enrolled?

24 A No, I do not recall a conversation like
25 that, but I know that anytime anybody received a

1 raise in admissions, it was because of how they
2 enrolled their students -- excuse me, how many
3 students they enrolled, their conversion rates and
4 all of that.

5 Q And again, you know that because --

6 A That's how admissions is run or was run.
7 I don't know how it's run now, you know.

8 Q Okay. That's how it you was run at the
9 time you were employed at the school?

10 A When I was employed there, that's how
11 admissions was run.

12 Q And the time you were employed there was
13 from 1999 until 2005; correct?

14 A That's correct.

15 Q May of 2005; correct?

16 A To my knowledge.

17 Q Okay. And you don't know how admissions
18 was run after you left in May of 2005?

19 A And I don't know how it was run before I
20 got there, but that's how it was run when I was
21 there.

22 Q Okay.

23 A Okay.

24 Q And let me make sure I get a clear answer
25 to my question. So please wait for me to finish.

1 You don't know how admissions was run
2 after May of 2005, do you?

3 A Well, I didn't work there anymore.

4 Q And you didn't know; correct?

5 A Well, no, I didn't know. I didn't work
6 there. How could I know? But I'm sure it was run
7 the same way before I left, after I left.

8 Q But you don't know?

9 A No. How could I know?

10 Q Let's take another look at Exhibit 7.

11 A Okay.

12 Q Now, attached to this document is --

13 A No. 7?

14 Q Correct. Please flip over the top page.
15 -- another employee performance review
16 form. Do you see that?

17 A I see it.

18 Q Do you know why it was produced just next
19 to this turnaround document that we just looked at?

20 A Why it was produced or stapled to?

21 Q Well, this is something that we got from
22 your attorney and these documents were produced next
23 to each other.

24 Do you know why they came in that
25 sequence?

1 THE WITNESS: Maybe you need to answer that.

2 MR. LEVY: No.

3 THE WITNESS: I don't know. I don't know.

4 BY MS. YOUNG:

5 Q Are these -- are these documents that you
6 had in your possession and then provided to your
7 attorney?

8 A I had these documents in my possession
9 because when they were given to me and I signed
10 them, I filed them.

11 Q Okay.

12 A So I had them.

13 Q I'm just trying to understand why these
14 two documents were next to each other in your files.

15 A I can't tell you that.

16 Q Okay.

17 A This is the first time I'm seeing this.

18 Q Okay. So you don't know if this
19 confidential performance review form informed the
20 fact that you got a promotion, as noted in the
21 turnaround document that's on top?

22 A You need to say that again. Okay.

23 Q Sorry. There's this performance review
24 form.

25 A Yes.

1 Q It was produced to us just next to this
2 turnaround document, which indicates you got a
3 promotion in 2003.

4 A Yes, that seems logical.

5 Q Okay. Do you have any knowledge as to
6 whether this employee performance review form
7 informed the decision to give you the promotion?

8 A No, I don't.

9 Q And that's because you weren't involved in
10 making that decision; right?

11 A No, I wasn't involved. It was Mr. Plant
12 and Cary Kaplan's decision.

13 Q And, in fact, you don't know what reasons
14 they had for giving you the promotion?

15 A No, I did not other than the fact that I
16 made my numbers.

17 Q For the reasons that we've already talked
18 about?

19 A Yes, for the reasons we've already talked
20 about.

21 MR. LEVY: Objection to form.

22 THE WITNESS: Because you got acknowledged for
23 that. When you made numbers in admissions, you got
24 acknowledged for it in more than one way.

25 ///

1 BY MS. YOUNG:

2 Q Okay. Let's look at the performance
3 review form.

4 A No. 7 again?

5 Q That is on No. 7. Correct.

6 A Okay.

7 Q And again, there's a number of criteria
8 listed in here that have points assigned to them.
9 Do you see that?

10 A Yes, I do.

11 Q Do you know how those points were
12 assigned?

13 A No, I do not. I said that before. No, I
14 do not.

15 Q And in section four, again, which is that
16 box with the narrative description of your major
17 accomplishments and contributions --

18 A Uh-huh, uh-huh. I see that.

19 Q -- do you know how the decision was made
20 about what to write into that box?

21 A No, I do not.

22 Q Okay. So we talked about promotions that
23 you received from being a campus admissions
24 representative to being a senior admissions
25 representative to being a master admissions

1 representative?

2 A Yeah, it was some sheet that was...

3 Q Did you receive any other promotions while
4 you were working at the San Francisco campus from
5 2000 until 2004?

6 A Other than what you see here, I didn't
7 receive any promotions.

8 Q And did you receive any other salary
9 increases other than what we discussed so far?

10 A No.

11 Q Did you receive any bonuses while you were
12 working at the San Francisco campus from August of
13 2000 until May 2005?

14 A Bonuses like money bonuses?

15 Q I'm sorry, May 2004.

16 A Money bonuses?

17 Q Yes, right.

18 A Well, a bonus could be a new coat. I
19 don't know. That's why I asked you.

20 Q Okay.

21 A No.

22 Q Did you get anything like a new coat as
23 well?

24 A No, I did not, unfortunately.

25 Q Okay. So after you worked as an

1 admissions representative in San Francisco until May
2 of 2004, you then became the director of admissions
3 at Hayward; is that right?

4 A That's true.

5 Q And that was in June of 2004?

6 A Well, it had to be after I left Bryman in
7 San Francisco. And that was in 2005.

8 Q Okay. So I think we looked --

9 A If I have the dates right.

10 Q Yeah, I think we looked earlier at this
11 document, but let's take another look just to make
12 sure. So this, I think, was Exhibit 3. It's a
13 June 4, 2004 letter that we looked at earlier.

14 A Yeah, I think this is from Terry Harty;
15 right?

16 Q Right. And this is about commencing
17 employment as director of admissions in June of
18 2004; right?

19 A From my memory, I think I received this
20 like 30 days after I was in the position. It was
21 late. I know that.

22 Q Okay. But -- but you started --

23 A So the dates are off is all I'm saying.

24 Q Okay. But is it accurate that you started
25 as the director of admissions at the Hayward campus

1 in June of 2004?

2 A Well, it's accurate that I started there,
3 but I don't know if the date was exactly June.

4 Q Okay.

5 A I was over at the Hayward campus, yes, I
6 was.

7 Q Okay. And you started at the Hayward
8 campus as director of admissions sometime in June of
9 2004?

10 A As director of admissions sometime in June
11 of 2004.

12 Q Okay. Now, how were you paid as a
13 director of admissions at the Hayward campus?

14 A I was salaried.

15 Q And were you eligible for a bonus?

16 A Well, I was eligible if I could have
17 worked there long enough to get it, but I didn't
18 work there.

19 Q How long did you work at the Hayward
20 campus?

21 A Not very long because I was fired.

22 Q When were you fired?

23 A I'm not sure, but I worked there not even
24 long enough to produce any numbers.

25 Q Okay. Let's see if we can't pin that date

1 down.

2 A There should be a termination somewhere,
3 I'm sure.

4 MS. YOUNG: I'm handing you what we're going to
5 mark as Exhibit -- 8?

6 THE REPORTER: 9.

7 MS. YOUNG: 9. Exhibit 9.

8 (Defendants' Exhibit 9 was marked for
9 identification by the deposition officer and is
10 bound under separate cover.)

11 BY MS. YOUNG:

12 Q This document is titled "Separation
13 Report." And it says the -- it says your name on it
14 as the employee's name, "Job Title, Director of
15 Admissions," "Last Day Worked, August 13th, 2004."

16 Does that sound right as the last day that
17 you worked as a director of admissions at the
18 Hayward campus?

19 A I'm not sure, but my Social Security
20 number is incorrect.

21 Q Okay. So if you started as a director of
22 admissions in June of 2004, does it sound about
23 right that you worked in that position for about two
24 and a half months before you were terminated?

25 A Yes, that sounds about right, maybe less

1 than that.

2 Q Okay. Two and a half months or less?

3 A Uh-huh. "Failure to meet admissions
4 goals." That's what it says on there.

5 Q And what were your responsibilities as a
6 director of admissions?

7 A Well, at that particular time my
8 responsibilities were to make sure that I met the
9 goals and the numbers for that particular -- for the
10 admissions department over there, but it wasn't
11 possible to do that.

12 Q Okay. You were not directly responsible
13 yourself for recruiting students?

14 A I was responsible -- according to Terry
15 Harty, I was responsible.

16 Q Did you interact with students in your
17 role as a director of admissions?

18 A Yes, I did.

19 Q You did. Tell me what those interactions
20 were like.

21 A It was like just doing second interviews
22 and sometimes interviewing because I had no
23 admissions department, everybody quit when I came
24 over there.

25 Q How many people were in the department

1 when you --

2 A I don't know. Five or six, something like
3 that.

4 Q Please let me finish my question,
5 otherwise we're not going to have a clear record of
6 what you're answering.

7 A Okay.

8 Q How many people were in the department
9 when you started, in the admissions department when
10 you started?

11 A Five or six.

12 Q And you said that they all quit?

13 A That's what I said.

14 Q All -- all of them?

15 A All of them quit.

16 Q So not a single one was left?

17 A Yeah, nobody was in admissions but me.
18 And I was the director.

19 Q Okay. So you never gave anyone a
20 promotion when you were the director?

21 A No. I had to hire a whole new team and I
22 couldn't do that in a month. It was impossible.

23 Q Uh-huh. And you never filled out a
24 performance evaluation for any employee?

25 A No, I did not.

1 Q All right. You never recommended anyone
2 for a raise when you were the director of
3 admissions?

4 A No, I did not.

5 Q Did you demote anybody when you were a
6 director of admissions at Hayward?

7 A No, I did not.

8 Q Was one of your responsibilities as a
9 director of admissions to evaluate employee
10 performance?

11 A Yes, that's a responsibility of a
12 director.

13 Q Okay. And we saw earlier some performance
14 review forms that had been filled out for you by
15 your director of admissions when you were an
16 admissions representative.

17 Do you recall that?

18 A Yes, I do.

19 Q Were you supposed to fill out a similar
20 form for your employees when it became time for them
21 to be reviewed?

22 A I'm not sure because I never collaborated
23 with Terry Harty on that and he never gave me one.
24 We didn't get that far.

25 Q Okay. So did you have any discussion with

1 anyone at the Hayward campus about how you were
2 supposed to go about doing those reviews?

3 A No.

4 MS. YOUNG: I'd like to show you a document.
5 Okay. Let's mark this as Exhibit 10.

6 (Defendants' Exhibit 10 was marked
7 for identification by the deposition officer and is
8 bound under separate cover.)

9 THE WITNESS: Thank you.

10 BY MS. YOUNG:

11 Q And this is a document that was produced
12 to us by your attorney. Have you ever seen it
13 before?

14 A It looks like the rest of the documents
15 that you showed me in terms of performance review.

16 Q Uh-huh. But this one is a blank one and
17 it also has some material attached to the end
18 starting at page R 00373 --

19 A Uh-huh.

20 Q -- which is titled "Performance
21 Evaluations For Employees," and then there's some
22 guidelines laid out here about how to fill out the
23 form.

24 Is that something you've seen before?

25 A I don't recall this document.

1 Q Do you know how that -- is this a document
2 that you provided to your counsel?

3 A I'm not sure.

4 Q So you don't recall if this document came
5 from your own files?

6 A No, I don't recall, not at this moment.

7 Q Okay.

8 A But it's a typical CCI document.

9 Q And I may have asked you this before, but
10 let me just ask in case I didn't. I take it in the
11 two and a half months you worked as the director of
12 admissions for Hayward you never recommended anybody
13 for a salary increase; is that right?

14 A No.

15 Q Is that correct?

16 A That's correct.

17 MS. YOUNG: Okay. I'm handing you what we're
18 going to mark as Exhibit 11.

19 (Defendants' Exhibit 11 was marked
20 for identification by the deposition officer and is
21 bound under separate cover.)

22 BY MS. YOUNG:

23 Q And at the end of the document, is that
24 your signature?

25 A Yes, it is.

1 Q Did you create this document?

2 A Yes, I did.

3 Q What is it?

4 A It was a goal plan for my admissions rep,
5 the person that was hired over there.

6 Q So you created this in the first week you
7 were hired as a director of admissions at Hayward?

8 A Yes, I did.

9 Q So sometime in June of 2004?

10 A Something like that.

11 Q Did you create this document on a
12 computer?

13 A Yes, I did.

14 Q Okay. And what computer was it that you
15 created the document on?

16 A Well, I don't know what computer it was.
17 It could have been one at the school or I don't
18 know. I would have to say that or it could have
19 been one at my house. I'm not sure. It wasn't a
20 typewriter. That's for sure.

21 Q Okay. And you said you created this in
22 the first week, but looking at the very top of the
23 document, it says "Week Four."

24 Do you see that?

25 A Okay. First week, second week, first

1 A Yes, I wrote that.

2 Q And then -- I wasn't asking if you wrote
3 it, I was asking if it's an accurate statement.

4 A It is accurate.

5 Q And then you continue, "The termination
6 will be based upon their attitude and current
7 marketing/sales plan that he/she is responsible to
8 develop." Is that an accurate statement?

9 A Yes, it is.

10 Q So termination wasn't based on numbers, it
11 was based on their attitude and marketing plan;
12 right?

13 MR. LEVY: Objection to form.

14 THE WITNESS: Marketing, attitude, numbers,
15 enrollments. It was based on all of that because
16 that's admissions. That's what missions --
17 admissions is all about.

18 BY MS. YOUNG:

19 Q When you wrote this sentence, you didn't
20 say "numbers," "admissions"?

21 A No, I didn't because it's not in there,
22 but that's what it was.

23 Q Okay. But when you wrote this document,
24 you said, "The termination will be based upon their
25 attitude and current marketing/sales plan," and

1 that's all you said; right?

2 MR. LEVY: Objection; the document speaks for
3 itself.

4 THE WITNESS: That's what I wrote in this.
5 Right.

6 BY MS. YOUNG:

7 Q Okay. Take a look at paragraph seven. In
8 paragraph seven of this document you write,
9 "Promotions occur when you meet or exceed the yearly
10 quota agreed upon at the time of hire. The Director
11 of Admissions and members of the Corporate
12 Management Team determine promotions."

13 Do you see that?

14 A Yes, I do.

15 Q And that was your interpretation of how
16 things worked; is that right?

17 A That was how it worked when I worked in
18 admissions. And I feel, as a director, it was still
19 on board when I went to Hayward. That was how it
20 worked when I was in admissions in San Francisco.

21 Q Okay.

22 A And that's how it worked at Hayward.

23 Q But you never promoted anyone at Hayward,
24 so how do you know that?

25 A No. Excuse me? Because -- because --

1 Q How do you know --

2 A -- I know polices -- policies. I knew the
3 company policies because it was given to me when I
4 was hired. And I worked there for several years, so
5 I know -- I knew the company policies.

6 Q Okay. So the written policy is what you
7 followed?

8 A Yes.

9 Q Okay. And --

10 A And what my director and my president told
11 me.

12 Q Okay. And --

13 A So I followed the policies.

14 Q And it's your understanding that other
15 directors of admissions followed the written policy;
16 is that right?

17 A Yes. You're an employee. If you're an
18 employee and you're a director, you have to follow
19 the policies.

20 Q Okay. So if we want to figure out what
21 the practices were like, we should look at the
22 written policies?

23 A Yeah, that or the brochures or whatever
24 corporate sends you or whatever.

25 Q Okay. But in your experience, the

1 directors of admissions, the other people that were
2 responsible for determining promotions and salary
3 raises, they just did what the written policy told
4 them to do; right?

5 MR. LEVY: Objection; form, calls for
6 speculation.

7 THE WITNESS: As far as I know.

8 BY MS. YOUNG:

9 Q That's your understanding; right?

10 A Yes, that's my understanding because I
11 wasn't trying to create any new rules.

12 Q Okay. When you say in paragraph seven,
13 "The Director of Admissions and members of the
14 Corporate Management Team determine promotions,"
15 what did you mean by the word "determine"?

16 A Make the final decision.

17 Q Okay. So they have some discretion in
18 terms of who gets a promotion; is that right?

19 A Yes. Yes, they do.

20 Q When they -- when they exercise that
21 discretion, they can consider factors other than
22 enrollments; isn't that right?

23 A Well, they never said that to me, but
24 that's how you got -- that's how you got to the top,
25 so to speak. You enrolled your students and you got

1 your numbers.

2 Q Now, a director of admissions couldn't
3 just promote somebody all by themselves; right?

4 A I never knew one director that did that.

5 Q Okay. Didn't they have to get approval
6 from someone else before somebody got promoted?

7 A I'm not sure because I didn't ever promote
8 anybody.

9 Q Okay. So you don't know whether --

10 A I only know from my experience of getting
11 promoted. That's all I know.

12 Q Okay. Understood.

13 A Okay.

14 Q So you don't know to what extent there was
15 management oversight over the decision to promote
16 somebody or give them a raise?

17 A No. Because that was always done for me,
18 so I just know that part.

19 Q You just know it was done for you?

20 A Yes.

21 Q Okay. Now, I want to talk about your
22 compensation in the short time that you were the
23 director of admissions at Hayward for two and a half
24 months.

25 A Yes.

1 Q Did you -- did you get any promotions
2 while you were the director of admissions --

3 A No, I got demoted if you want to know the
4 truth.

5 Q Okay. Again, please let me finish.

6 Did you get --

7 MR. LEVY: Objection to form.

8 You keep interrupting her and you're
9 saying she's cutting you off, but, you know, your
10 questions have been complete and she's answered
11 them. So...

12 MS. YOUNG: No, I've -- I've been unable to get
13 a complete question on the record and she's jumping
14 in and I want our transcript to be clear. And for
15 the benefit of the court reporter, I would like to
16 finish my question before she answers.

17 MR. LEVY: And it -- and it sounds like you are
18 finished and she's answering them timely.

19 MS. YOUNG: No, that's not, in fact, true. And
20 if you want to review the transcript during a break,
21 you should do that because I'm certain I have not
22 been able to get an answer to my question. And
23 that's not the only time I've asked Ms. Lee to
24 please wait for me to finish.

25 Can I please have the last question read

1 back into the record as well as the answer.

2 (Whereupon, the record was read as
3 follows:

4 "Question: Did you -- did you
5 get any promotions while you were
6 the director of admissions --

7 "Answer: No, I got demoted if
8 you want to know the truth.")

9 BY MS. YOUNG:

10 Q Okay. And did you get any salary
11 increases while you were the director of admissions
12 at Hayward for that two-and-a-half month period?

13 A No, I did not.

14 Q And I take it you didn't receive any
15 bonuses either. I think you testified to that.

16 A No, I didn't.

17 Q Okay. After you were terminated from
18 Hayward, which was in or around -- when was it --
19 August of 2004, did you re-apply for employment with
20 Corinthian?

21 A No, I did not. I was asked to be
22 reinstated at San Jose by one of the district
23 managers because I was a heavy hitter.

24 Q Who asked you to be reinstated?

25 A I think it was Chris VanEs. I'm not sure.

1 Q So you did accept that offer and ended up
2 becoming employed again at Corinthian?

3 A I got rehired.

4 Q And when --

5 THE REPORTER: I'm sorry. I didn't hear you.

6 THE WITNESS: Huh?

7 THE REPORTER: I didn't hear your answer.

8 THE WITNESS: She asked me a question. I did
9 get rehired.

10 BY MS. YOUNG:

11 Q And when did you get rehired?

12 A I'm not sure of the date. I think it was
13 one month after I left Hayward.

14 MS. YOUNG: Okay. Let's take a look at a
15 document that may help pin it down. Okay. Let's
16 mark this as Exhibit 12 -- I think we're on.

17 (Defendants' Exhibit 12 was marked
18 for identification by the deposition officer and is
19 bound under separate cover.)

20 BY MS. YOUNG:

21 Q Okay. And now, this document has your
22 signature on the second and third page; is that
23 correct?

24 A The second page is correct. The third
25 page is correct.

1 Q The signature is dated November 19, 2004.
2 Do you see that?

3 A Yes, I see it.

4 Q And the title on the first page of the
5 document says, "Application for Employment,
6 Corinthian Colleges. Position Desired: Master
7 Rep."

8 Do you see that?

9 A Yes, I see that.

10 Q Was this the application that you filled
11 out to be rehired in San Jose?

12 A Probably. It looks like it could be.

13 Q Okay. Does November of 2004 sound like
14 the right time period when you were rehired in
15 San Jose?

16 A Might be. I'm not sure. It was about a
17 month and a half after I left the Hayward campus or
18 around something like that.

19 Q Okay.

20 A Uh-huh.

21 Q So sometime around maybe November 2004 or
22 thereabouts --

23 A Yes.

24 Q -- you were rehired as a master admissions
25 representative to San Jose?

1 A Yes.

2 Q And you were getting a salary-based
3 compensation again?

4 A Yes.

5 MS. YOUNG: I'm handing you what we'll mark as
6 Exhibit 13.

7 (Defendants' Exhibit 13 was marked
8 for identification by the deposition officer and is
9 bound under separate cover.)

10 MR. LEVY: Can I have one?

11 MS. YOUNG: I'm sorry.

12 MR. LEVY: That's all right. Thank you.

13 BY MS. YOUNG:

14 Q And if you look at page 3, is that your
15 signature on the document?

16 A That's it.

17 Q And then again, there's some additional
18 three pages toward the back. And on the very last
19 page, is that also your signature?

20 A Yes, it is.

21 Q Is this the compensation plan that
22 governed your employment as a master campus
23 admissions representative in San Jose?

24 A I think this is the same one you showed me
25 before, yes.

1 Q Is this what applied to you in the 2004
2 time period when you were rehired?

3 A Yes, it applied to me. Tim Lee was the
4 district manager. Actually, he was the director of
5 admissions. There's his signature right there
6 (indicating).

7 Q Okay. And who signed as college president
8 here, if you know?

9 A Somebody. I don't know who that was.

10 Q Okay.

11 A Lozer (phon.) or something. I'm not sure.

12 Q You read this document before you signed
13 it?

14 A Yes.

15 Q And you understood it before you signed
16 it; correct?

17 A Yes.

18 Q And on the first page of this document it
19 says, "Minimum Standards of Performance," and then
20 it lists 18 standards again.

21 Do you see that?

22 A Yes, I do.

23 Q And just like we talked about before,
24 these are -- were your job responsibilities when you
25 were rehired as an admissions representative in

1 2004?

2 A Same, yes. It didn't change.

3 Q And -- and you tried to fulfill these
4 responsibilities?

5 A Yes, I did.

6 Q And you understood that you were being
7 evaluated based on whether you fulfilled all 18 of
8 these responsibilities?

9 A That and my numbers. It's always numbers.

10 Q Okay.

11 A Enrollments.

12 Q When you received this document that we've
13 marked as Exhibit 13, did you go over it with
14 anybody?

15 A I'm not sure, but I don't know why I
16 should have had to go over it with anyone because I
17 already had it before.

18 Q Okay. You don't recall whether or not you
19 reviewed this with someone, do you?

20 A No, no.

21 Q Okay. And when you were hired as an
22 admissions representative in San Jose in 2004, did
23 you have any discussion with anybody about how you
24 would be compensated?

25 A I'm sure I had a conversation with either

1 the director or the district manager.

2 Q Do you recall the substance of that
3 conversation?

4 A No, I don't recall.

5 Q How long did you work as a master
6 admissions representative in San Jose?

7 A Not long.

8 Q Can you give me an estimate? A couple of
9 months?

10 A One month maybe. And they sent me to San
11 Francisco. So they juggled me around quite a bit.

12 Q Okay. So you never received a promotion
13 when you were a master admissions representative
14 working in San Jose?

15 A No.

16 Q No, you never -- it's correct that you
17 never received a promotion?

18 A I never received a promotion in the one
19 month that I was working there.

20 Q Okay. And you never received a salary
21 increase in the one month you were working there?

22 A No.

23 Q Is that correct?

24 A That's correct.

25 Q And you never got a bonus during that time

1 period either?

2 A Never got a bonus.

3 Q Okay. So you transferred to San Francisco
4 after that short period of time?

5 A I didn't transfer, they sent me to San
6 Francisco.

7 Q Okay. You were transferred?

8 A Without a transfer. They didn't have a
9 transfer.

10 Q Okay.

11 A They just sent me to San Francisco.

12 Q Do you know why they did that?

13 A You'd have to ask them.

14 Q Okay.

15 A They said they needed a heavy hitter in
16 San Francisco. That's what Tim Lee told me. "Can
17 you go to San Francisco?" So I went to San
18 Francisco.

19 Q Okay. Did you maintain your position as a
20 master admissions representative when you
21 transferred?

22 A When I went to San Francisco, I did, yes.

23 Q You did. And did you maintain your same
24 salary level when you transferred from San Jose to
25 San Francisco?

1 A As far as I know and can remember because
2 they never got it right.

3 Q And when you made that transfer from
4 San Jose to San Francisco, at that time did you have
5 a discussion with anyone about how you would be
6 compensated?

7 A Oh, man, I had conversations with a whole
8 bunch of people, with the corporate headquarters,
9 whoever was in H.R. at that time. I can't remember
10 names. And I had conversations with the school in
11 San Jose, the director of admissions, the president,
12 the president in San Francisco, and the director up
13 there.

14 Q Describe the substance of those
15 communications with me.

16 A Confused. They didn't have their
17 paperwork in order. So I was getting my paycheck
18 from San Jose and I'm working in San Francisco.
19 They didn't transfer me properly.

20 Q Okay. So your discussions relating to
21 your compensation during that time period had to do
22 with paperwork issues related to the transfer; is
23 that correct?

24 A Yeah, related to the nontransfer.

25 Q Or the nontransfer?

1 A Okay.

2 Q Okay. In those discussions did the
3 subject of what you would have to do in order to get
4 a promotion or salary increase --

5 A All the time.

6 Q -- come up?

7 A All the time.

8 Q Okay.

9 A Produce the numbers. That was always the
10 production -- I mean, the conversation.

11 Q And, again, in this time period --

12 A I had -- hardly had any time to produce
13 any numbers before I was fired again because I
14 didn't produce.

15 Q Okay.

16 A Okay.

17 Q Again, that's not what my question was.

18 A Okay. What was your question?

19 Q Please let me ask my question.

20 In this time period when you were
21 transferring or being transferred from San Jose to
22 San Francisco --

23 A Uh-huh.

24 Q -- can you recall a specific conversation
25 with anybody where your compensation was discussed

1 in connection with your numbers?

2 A Well, my conversations with the director
3 in San Francisco was all about numbers. Okay.
4 "Produce the numbers" and that's all I got from
5 them.

6 Q And were those conversations in
7 connection --

8 A And convert the leads into interviews.
9 That's all it was. All the time.

10 Q Okay. And were those discussions in
11 connection with how you would be compensated or was
12 it just --

13 A Well, I was salaried at that point.

14 Q Okay.

15 A So it was on this -- I didn't need to
16 discuss anything because when I hired in, I was
17 quoted a salary and that was it.

18 Q Okay. So when you had discussions the
19 second time around in the San Francisco campus about
20 the need to make numbers and all about enrollments,
21 that was not in connection with your compensation?
22 Am I understanding you correctly?

23 MR. LEVY: Objection to form. That completely
24 mischaracterizes what she's saying.

25 ///

1 BY MS. YOUNG:

2 Q I just want to make sure --

3 A Well, compensation is a salary.

4 Q Right.

5 A That's it.

6 Q Okay.

7 A Compensation is what salary they quoted me
8 they were going to pay me. Okay.

9 Now, what are you getting at?

10 Q I just want to know in what context the
11 discussion about meeting your numbers and enrolling
12 people took place.

13 Did that conversation when you were
14 working as an admissions representative in San
15 Francisco for the second time --

16 A Yes.

17 Q -- happen in the context of discussing
18 what your salary would be or what your compensation
19 would be?

20 A No. Once you signed the contract saying
21 you are getting a salary, you don't have to discuss
22 that no more. All you have to do is get your
23 numbers.

24 Q Okay.

25 A You know, we never discussed changing my

1 salary at that time or anything. Do you understand?

2 Q I understand.

3 A Okay. That's what happened.

4 Q Okay. How long did you work in San
5 Francisco after you were transferred there?

6 A Barely a month.

7 Q So once again, you were not promoted
8 during that one-month time period?

9 A No, I was not. I was humiliated.

10 Q Okay.

11 A Okay.

12 Q And you didn't get a salary increase?

13 A No, I didn't.

14 Q You didn't get a bonus?

15 A I didn't get a bonus, I didn't get a
16 salary increase, I didn't get a compliment, I didn't
17 get anything. But, you know, leads to conversions.
18 That's always what it is, your numbers. "Produce."

19 Q And then you were terminated?

20 A Yes.

21 Q Do you recall roughly what month?

22 A I think it was May. I'm not sure.

23 Q May of 2005?

24 A I'm pretty sure it was May.

25 Q Do you know why you were terminated?

1 A I just told you, Blanca. I couldn't make
2 any numbers in 30 days because I was starting from
3 scratch in San Jose.

4 Q Uh-huh.

5 A As far as I can remember, I interviewed
6 about 100 people and I had my pipeline going, and
7 then something happened. I was out of there. They
8 didn't want me there anymore, so...

9 Q I'm --

10 A Because I wasn't producing. There was no
11 way I could produce ten enrollments because the
12 economy was down, everything -- people weren't
13 enrolling at that particular time. There was just
14 no way it was possible to do that.

15 Q Okay. So let me just see if I can
16 summarize your work history with Corinthian.

17 A Okay.

18 Q You were --

19 A Good luck.

20 Q Well, we'll see if we can do it.

21 A Uh-huh.

22 Q You were an independent contractor working
23 as a test proctor for the school --

24 A Uh-huh.

25 Q -- from approximately November 1999 until

1 August of 2000; is that correct?

2 A Uh-huh. I think that's what we said.

3 Q Okay. And then you worked as an
4 admissions representative at the San Francisco
5 campus at various levels --

6 A Uh-huh.

7 Q -- from approximately September or
8 thereabouts of 2000 until roughly May of 2004; is
9 that right?

10 A Uh-huh. Yes.

11 Q Okay. Then you were a director of
12 admissions at Hayward for a short period of time?

13 A Uh-huh.

14 Q Maybe from June of 2004 to about August of
15 2004; right?

16 A Something like that.

17 Q Okay. And then you were rehired to work
18 as an admissions representative in San Jose around
19 November of 2004; is that right?

20 A Whatever that paper says in there. You're
21 getting me confused now.

22 Q Okay.

23 A But it was a short period.

24 Q It was shortly after -- a few months after
25 you were terminated from Hayward, you were then

1 asked to --

2 A To go to San Jose and shortly after that I
3 was asked -- asked to go to San Francisco.

4 Q Okay.

5 A Because nobody was making any numbers up
6 there. And whenever they needed somebody to come
7 and make enrollments, they called Nyoka. And that's
8 what they did. And they asked me to go to San
9 Francisco, Tim Lee did. Didn't do a transfer or
10 nothing, just said, "Can you report to San
11 Francisco?"

12 Q Okay.

13 A It was very confusing to me, but I did
14 what my district manager asked me to do. And that's
15 what I was supposed to do and he was supposed to
16 handle the rest, so...

17 Q Okay. So then you went to San Francisco
18 and worked there until about May of 2005?

19 A Uh-huh. Something like that, yes. That
20 sounds about right.

21 Q Okay. And since May of 2005, you've never
22 done any work for Corinthian Colleges?

23 A Huh-uh. I don't think they would hire me
24 again after all of that, do you? I've never worked
25 for Corinthian again.

1 Q Okay.

2 A It's the first time I showed up today at
3 Corinthian Colleges.

4 Q And we've discussed all of the promotions
5 that you ever received as a Corinthian employee; is
6 that correct?

7 A Uh-huh. Yes.

8 Q We've discussed all the salary increases
9 you ever received as a Corinthian employee; is that
10 right?

11 A Yeah, that's in these documents here.

12 Q Okay. And we've discussed all the
13 compensation that you received from Corinthian
14 Colleges; is that right?

15 A As far as I know.

16 Q Okay. And you never at any time got a
17 bonus from the school; is that right?

18 A No, I never went to Parthenon or any of
19 that stuff.

20 Q You never got a bonus from the school?

21 A No.

22 Q And you've never at any time worked at a
23 school campus other than San Francisco, San Jose or
24 Hayward; is that correct?

25 A Not for Corinthians (sic).

1 Q Not for Corinthian?

2 A No -- or actually, yes -- no, as you say.
3 Yes, I haven't worked for -- or no, I haven't.
4 You're getting me confused. No, I haven't worked
5 for any other campuses at Corinthians.

6 Q Other than San Francisco, San Jose or
7 Hayward?

8 A Yes.

9 Q Okay. And you've never recruited students
10 to go to a campus other than San Francisco, San Jose
11 or Hayward?

12 A I never worked in admissions after I left
13 Corinthian's admissions at any other campus.

14 Q Okay. And you don't have any firsthand
15 knowledge of how admissions representatives at other
16 campuses besides San Francisco, San Jose or Hayward
17 were compensated?

18 A I have some idea. They were operated on
19 the same principle because I went to three schools.
20 And we -- admissions reps talk, you know. They do
21 the same thing that we were doing at other campuses.

22 Q How do you know that?

23 A Well, because admissions rep -- admissions
24 reps that I worked with while I was at Bryman or
25 Corinthians, they would quit when they couldn't make

1 family. They talk to each other, you know.

2 Q Okay.

3 A So I can't give you any specific dates or
4 times or names at this moment, but it -- that was
5 the general consensus.

6 Q Okay. Can you name --

7 A And I thought it was shocking, but it --
8 that's what happened.

9 Q Can you name a single admissions
10 representative --

11 A No, I don't want to name any names. I
12 don't have a name for you right now. I don't have
13 any names.

14 Q Okay. Ms. Lee, if you know a name, I'm
15 entitled to it.

16 A Well, I don't know any names.

17 Q So you can't give me a name -- please let
18 me finish my question. You can't give me a name of
19 an admissions representative at any campus other
20 than the ones you worked at for Corinthian who told
21 you anything about how they were compensated. Am I
22 correct?

23 A Compensated? Oh, I thought we were
24 talking about -- can you state the question again
25 because you confused me on that one.

1 Q Sorry about that.

2 MS. YOUNG: Can I have my question read back,
3 please.

4 (Whereupon, the record was read as
5 follows:

6 "Question: You can't give me a
7 name of an admissions representative
8 at any campus other than the ones
9 you worked at for Corinthian who
10 told you anything about how they
11 were compensated. Am I correct?")

12 THE WITNESS: When you say "compensated," are
13 you talking about their salary or their numbers?
14 Because being compensated is one thing, your numbers
15 is another when you work in admissions.

16 BY MS. YOUNG:

17 Q I'm talking about how people got paid, how
18 they got compensated.

19 A Well, they got compensated on how many
20 enrollments they made, which are numbers, when they
21 got their promotion. You got promoted because you
22 made 120 starts or however many they say it is now.
23 I'm not sure. You got -- you got compensated on how
24 many starts you made, how many people stayed in
25 school. If you had 120 starts, you could get

1 promoted from one admissions rep to another or
2 whatever the numbers are. I just used that as an
3 example.

4 Q I --

5 A That's how you got promoted in admissions.

6 Q I understand that's what you believe.

7 A No, that's what I know.

8 Q But I would like -- I would like an answer
9 to my question.

10 MS. YOUNG: If I can have it read back again,
11 please.

12 MR. LEVY: Objection to form, argumentative.

13 THE REPORTER: I'm sorry. Objection to form
14 and?

15 MR. LEVY: Argumentative.

16 THE WITNESS: I'm just trying to understand
17 what you're -- where you're coming from.

18 (Whereupon, the record was read as
19 follows:

20 "Question: You can't give me a
21 name of an admissions representative
22 at any campus other than the ones
23 you worked at for Corinthian who
24 told you anything about how they
25 were compensated. Am I correct?")

1 THE WITNESS: That's correct.

2 BY MS. YOUNG:

3 Q And did you have a discussion with any
4 admissions representative who worked for Corinthian
5 at a campus other than where you worked about
6 whether they got promotions or raises?

7 MR. LEVY: Can I have that question again.

8 (Whereupon, the record was read as
9 follows:

10 "Question: And did you have a
11 discussion with any admissions
12 representative who worked for
13 Corinthian at a campus other than
14 where you worked about whether they
15 got promotions or raises?")

16 THE WITNESS: Basically, Blanca, the
17 conversations I had with other admissions reps were
18 always about numbers. That's what it was always
19 about. I never discussed their compensation or how
20 much they got for a raise or -- they didn't talk
21 about stuff like that. They talked about how many
22 enrollments you had.

23 BY MS. YOUNG:

24 Q And did they discuss anything about
25 getting promotions or whether they were --

1 A No, I didn't discuss that kind of
2 information with other employees. Nobody talked to
3 me about it, and I didn't talk to them about it
4 because it wasn't my business. Because I could see
5 what enrollments were when I got the flashes. And
6 everybody that worked at all the campuses could see
7 that.

8 Q Uh-huh.

9 A And that's what we got.

10 Q Okay.

11 A Weekly, monthly and daily.

12 Q You didn't discuss --

13 A No, I didn't discuss.

14 Q Stop just a minute.

15 You didn't discuss salary raises or
16 whether someone was eligible for a raise with other
17 employees of Corinthian, did you?

18 A Again, no, I didn't discuss that.

19 Q Have you ever visited a campus of
20 Corinthian other than San Francisco, San Jose or
21 Hayward?

22 A Let's see. I don't think so. I don't
23 recall.

24 Q So just to summarize, since May of 2005
25 you've not been employed by the school in any

1 capacity?

2 A No, I have not.

3 Q You've not provided any services or any
4 independent contracting work to the school since
5 May of 2005; is that correct?

6 A That's correct.

7 Q You've received no compensation from the
8 school at all since you were terminated in May of
9 2005; is that correct?

10 A No, I haven't. That's correct.

11 Q All the promotions you received at the
12 school happened before January 1st, 2005; is that
13 right?

14 A That's correct.

15 Q All the salary increases you received from
16 the school happened before January 1st, 2005; is
17 that correct?

18 A I'm pretty sure those dates are correct,
19 but I would have to see it in writing on these
20 papers, but I'm going to say yes to that.

21 MS. YOUNG: Okay. And just make sure that your
22 mic is -- can you hear her on the mic? I want to
23 make sure that --

24 THE WITNESS: I need to leave to go to the
25 restroom.

1 MS. YOUNG: Okay.

2 MR. LEVY: Okay. We'll take a break.

3 MS. YOUNG: Let's take a quick break.

4 THE WITNESS: Thank you.

5 THE VIDEOGRAPHER: The video deposition is now
6 going off record at 12:08 p.m. This will also
7 conclude video No. 2 in today's deposition.

8 (A recess was taken from 12:08 p.m.
9 to 12:25 p.m.)

10 THE VIDEOGRAPHER: The videotaped deposition of
11 Nyoka J. Lee, Volume No. 1, is returning to record
12 at 12:25 p.m. This will also begin video No. 3 in
13 today's deposition.

14 The location is still 6 Hutton Centre
15 Drive, Second Floor, in Santa Ana, California. The
16 date is Monday, December 17th, 2012.

17 My name is Ali Saheb with Dean Jones
18 Attorney Video Services in Los Angeles and Santa
19 Ana, California.

20 BY MS. YOUNG:

21 Q Okay. Ms. Lee, you understand you're
22 still under oath?

23 A Yes, I do.

24 Q Okay. And we'll go for just a little bit
25 longer and then break for lunch.

1 BY MS. YOUNG:

2 Q I'm sorry. Go ahead, Ms. Lee.

3 A Well, this is what the director would give
4 us every week, every Monday, as a matter of fact,
5 showing us how we stacked up against all the rest of
6 the admissions and all -- how all the directors
7 stacked up against all the rest of the directors.
8 They just would give us these reports and these
9 reports here.

10 I don't know. Do you have them in there?

11 Q And -- and --

12 A That's the -- if you want the names of
13 some of the people in admissions, it's on there.

14 Q Okay. So you're --

15 A But I can't --

16 Q -- referring just now to the document with
17 the number 466 at the bottom?

18 A This one, yes, that's what I was referring
19 to.

20 Q Okay.

21 A Any document in there that has the --
22 these are the activity reports that we would get.

23 Q Okay. I also see some documents titled
24 "Ad Rep Performance Flash."

25 A Yeah, and that's for like the lead to

1 conversion rates on there.

2 Q Okay.

3 MR. LEVY: And we've provided those, the Bates
4 number is on -- these are all marked.

5 BY MS. YOUNG:

6 Q Okay. Am I correct though that none of
7 these documents say anything about compensation for
8 the admissions representatives?

9 A I don't think it says. The only
10 compensation is what you see on me. Nobody else.

11 Q Okay. So --

12 A And I don't have compensation documents on
13 anybody else but myself.

14 Q Okay. And you've not provided us with any
15 documents today that describe or explain how
16 admissions representatives were compensated; is that
17 right?

18 A Other than what we have in here that we've
19 gone over.

20 Q I'm talking about the documents you
21 brought with you to the deposition today.

22 A No, this is -- the same stuff you have, I
23 have.

24 Q Okay. So other than the documents that
25 describe how you, Nyoka Lee, were compensated,

1 you're not aware of any documents describing how
2 other admissions representatives were compensated?

3 A No, I'm not aware of that.

4 Q And are you aware of any documents
5 explaining how directors of admissions would be
6 compensated by Corinthian?

7 A No.

8 Q We've discussed various communications
9 you've had with other individuals at this school.
10 Other than what we've already discussed up until
11 now, are you aware of any discussions among anyone
12 at Corinthian about how admissions representatives
13 were compensated?

14 A No, I'm not. All I'm aware of is that if
15 you wanted a raise, like I say, you have to have
16 your numbers. And they give you -- I don't think
17 that document is in here, but they give you a line
18 of how many starts you have to have per year,
19 annually, if you want -- if you're getting a raise.

20 It lists how many starts you need and how
21 many enrollments and all that. There's a form. I
22 don't know if it's in here or not, but I'm sure you
23 must have it.

24 Q You're referring to a document?

25 A Well, it's in writing, yes. It's a

1 document.

2 Q Okay.

3 A It lists all the starts that you need to
4 make from campus to -- to senior to master.

5 Q Okay. And it lists other things that you
6 need to do to get a promotion as well; right?

7 A Yes, which are some of the documents you
8 gave me.

9 Q Like meeting minimum standards of
10 performance?

11 A Yeah, that's all I know. I don't know
12 about any other documents.

13 Q Okay. And getting a certain score on your
14 performance evaluation; right?

15 A No, I don't know about any other documents
16 other than what we have here.

17 Q Okay. Are you aware, other than what
18 we've already talked about, of discussions among
19 anyone at Corinthian about how to evaluate the
20 performance of admissions representatives?

21 A No.

22 Q Okay. And again, other than what we've
23 already talked about, are you aware of discussions
24 among anyone at Corinthian about how directors of
25 admissions would be compensated?

1 A No, other than conversations I would have
2 with Cary Kaplan.

3 Q Okay.

4 A He is a -- he was a director. He would
5 say, "Well, if you have X amount of numbers, I'll
6 get so much," you know. He got paid on his -- his
7 numbers.

8 Q Okay.

9 A He would get paid, you know, and get
10 compensated if the admissions department made a
11 certain amount of enrollments and starts and
12 numbers. It's all about numbers.

13 Q Okay.

14 A Then he would get -- if he was at a
15 certain bracket, he would get a raise.

16 Q And Mr. Kaplan was your director of
17 admissions up until 2004; correct?

18 A Yeah, when I was working at Bryman.

19 Q Okay. You didn't work with him after
20 2004; is that right?

21 A No, I did not. No, I did not.

22 Q And your only knowledge of how directors
23 of admissions were compensated other than your own
24 experience as a director of admissions was what you
25 heard secondhand from Mr. Kaplan; is that right?

1 A Yes.

2 MR. LEVY: Objection; form. She heard it
3 firsthand from Mr. Kaplan.

4 THE WITNESS: That's what you said; right?

5 BY MS. YOUNG:

6 Q Well, you heard it secondhand from
7 Mr. Kaplan?

8 A Yeah, well, firsthand, just like I'm
9 talking to you. I would have -- he would have a
10 conversation with me, that's firsthand; right?

11 Q Okay. But you had a conversation with
12 Mr. Kaplan and your only knowledge about how
13 directors of admissions were compensated other than
14 when you were a director of admissions is based on
15 what Mr. Kaplan told you; right?

16 A That's true.

17 Q Okay. Can you identify by name any
18 admissions representative for Corinthian who got a
19 salary increase or a promotion after January 1st,
20 2005?

21 A No.

22 Q Can you identify by name any director of
23 admissions for the school who got a salary increase
24 or a bonus after January 1st, 2005?

25 A I never saw any of those people when I

1 left, or talked to them. So I couldn't -- I can't
2 identify anybody like that.

3 Q Okay. So you -- you can't identify any
4 admissions representative who worked for Corinthian
5 after you were terminated in May of 2005?

6 A No.

7 Q You can't identify any director of
8 admissions who worked for the school after you were
9 terminated in May of 2005; is that right?

10 A Well, I think Cary is working somewhere.
11 I don't know. I haven't talked to him. I heard
12 through the grapevine he was working at Heald.

13 Q But you don't have direct knowledge of --

14 A No, I don't. I haven't been to Heald and
15 I haven't gone into his office and sat down and
16 said, "How are you doing, Cary?" I haven't done
17 that, no. I haven't seen him.

18 Q You don't have direct knowledge of the
19 name of any director of admissions who was working
20 at Corinthian after you were terminated in May of
21 2005?

22 A No.

23 Q And can you name a school president who
24 held that position after May of 2005?

25 A I don't know the name of the lady that

1 took over for Mr. Plant. I don't know her name.

2 Q Okay. Can you name --

3 A I don't need to know that.

4 Q Can you name any regional director who
5 held that position after May of 2005?

6 A I don't know any of those people and I
7 don't know their names, no.

8 Q Okay. And have we discussed all the job
9 responsibilities that you had at Corinthian during
10 the time periods you worked for Corinthian?

11 A All the ones that were listed on here. I
12 didn't have any other job responsibilities for
13 Corinthian other than what was listed in here.

14 Q And -- and you've described for me all the
15 responsibilities that you had in the various
16 positions you held during your tenure at Corinthian;
17 is that right?

18 A Yes, I -- yes, I did.

19 Q Okay. So you had no involvement in
20 designing compensation programs for admissions
21 representatives; is that correct?

22 A Designing? What are you saying?

23 Q Did you help put together the compensation
24 program that governed how admissions representatives
25 would be paid?

1 A No, I wasn't hired to do that.

2 Q Okay. So you didn't participate --
3 participate in any discussions about how to design
4 the written program for admissions representatives?

5 A No, I didn't do any curriculum design or
6 any of that.

7 Q Okay.

8 A I was an admissions rep and that's what I
9 did when I worked for Bryman. I didn't do any
10 designing for them.

11 Q Okay. And that includes --

12 A I did that for myself.

13 Q Uh-huh. And so you didn't play any role
14 in developing the written materials that were part
15 of the --

16 A No.

17 Q -- compensation programs for admissions
18 representatives?

19 A No, I did not. Corporate did all that.

20 Q And you have no knowledge, I take it,
21 about how that compensation program was designed; is
22 that right?

23 A No. No, I do not. All I did was read it
24 when they gave it to me.

25 Q Okay. Do you know who designed the

1 compensation program for admissions representatives?

2 A I should ask you that or somebody working
3 here. I don't know.

4 Q You don't know?

5 A Huh-uh.

6 Q And you don't know what factors they took
7 into account --

8 A No.

9 Q -- to design the compensation program?

10 A No, I could find something that they might
11 want to take part in, though, but I didn't know
12 anything like that.

13 Q Okay. And you don't know what their
14 intent was in designing the written compensation
15 program?

16 A No, I didn't work with that team. That
17 was all done through corporate.

18 Q And we looked earlier at some performance
19 evaluation forms. Did you have any involvement in
20 designing what the performance evaluation forms
21 would look like?

22 A No.

23 Q Okay. Do you know how they were
24 developed?

25 A Corporate. It's like I say, I've got that

1 stuff from corporate and that's it. I don't know
2 anything about it.

3 Q You don't know what factors --

4 A No.

5 Q -- were taken into account in figuring out
6 how to design that form, do you?

7 A No.

8 Q You don't know what the intent was --

9 A No, I don't.

10 Q -- in designing the performance evaluation
11 form, do you?

12 A No.

13 Q And did you participate in any discussions
14 about how the performance of admissions
15 representatives should be evaluated?

16 A No, I did not.

17 Q I take it you also had no involvement in
18 designing the compensation or bonus programs for
19 directors of admission?

20 A No, I did not.

21 Q Okay. And you didn't participate in any
22 discussion about how to design those programs?

23 A No, I did not.

24 Q You didn't develop any of the written
25 materials for those programs?

1 A No, I did not.

2 Q You don't know what factors were
3 considered in designing those programs?

4 A No, I did not. The only thing I did was
5 this sheet when I was a director, design a plan for
6 the -- for the admissions team to get their numbers.

7 Q Okay. And by that --

8 A That was my job.

9 Q By that you were referring to that "Week
10 Four" agenda we looked at earlier?

11 A Yeah. Yes, that's the only thing.

12 Q Okay. And that's not --

13 A I wouldn't say that I designed it. I just
14 wrote it up how it was given to me when I was in
15 admissions for them.

16 Q Okay. So you don't know what the intent
17 was in designing the overall bonus program that
18 applied to directors of admissions; is that right?

19 A No. I didn't delve off into that area.

20 Q Okay.

21 A That wasn't my job.

22 Q Am I correct that the only
23 management-level position you held was for that
24 roughly two-month time period --

25 A That's it.

1 Q -- where you were a director of admissions
2 at Hayward?

3 A Yes, that's the only one.

4 Q Okay. Did you ever personally participate
5 in meetings involving school executives?

6 A Yes, I did.

7 Q Okay. How often did you participate in
8 meetings like that?

9 A I'm not sure how many times corporate came
10 down to the school, but they would always have
11 admissions meetings and bring all the admissions
12 teams in. And the corporate people would help them
13 write the scripts, change the scripts. I guess they
14 designed them, too. I don't know.

15 But they would tell us -- give us
16 information on how to change the scripts. If the
17 enrollments weren't up or if the enrollments were
18 down, they would tell us how to change the scripts.

19 Q And by "scripts," you mean what you use to
20 communicate with potential students?

21 A That's what I mean.

22 Q Okay. And was anything else discussed
23 during those meetings?

24 A No, that was basically it. They would
25 come up and have those meetings and fire us up.

1 Q So it was to get you sort of --

2 A That's what they used, the words "fire us
3 up."

4 Q -- get you excited about your job?

5 A Uh-huh, uh-huh.

6 Q And to work on the script that you would
7 use when communicating with students?

8 A Yeah, and how to change it and stuff like
9 that.

10 Q Okay. And that was the extent of
11 discussions that you had with corporate executives
12 about admissions?

13 A Yeah, I would be in a meeting with a bunch
14 of people. I wouldn't have a direct conversation
15 with them.

16 Q Okay. Were you ever personally in a
17 position to observe a meeting between school
18 executives other than the ones that you participated
19 in yourself?

20 A Like what? You mean like -- give me an
21 example of what you're talking about.

22 Q Well, if you attended a meeting where
23 other executives were talking to each other --

24 A No.

25 Q -- other than the meetings you just

1 described?

2 A Huh-uh, no.

3 Q David Moore is one of the defendants in
4 this case. Do you know who he is?

5 A He was at the University of Phoenix,
6 wasn't he?

7 Q I'm just asking if you know who he is.

8 A Oh, I'm trying to figure out if I do. I
9 think he was at the University of Phoenix. I'm not
10 sure.

11 Q He's not somebody you know personally?

12 A No.

13 Q You don't even know if he worked for
14 Corinthian?

15 A Well, I saw -- I don't know where he's
16 working now, but I saw the corporate page. And I
17 think he got transferred over here from the
18 University of Phoenix. I don't know. That's a
19 question you have to ask David Moore because I don't
20 know the answer to that.

21 Q Okay. You've never met him in person?

22 A I might have seen him on the Web page, but
23 I have never met him in person.

24 Q And you never communicated with
25 David Moore; is that right?

1 A Not like I'm communicating with you.

2 Q I'm asking if you've ever communicated --

3 A No, I haven't.

4 Q -- with David Moore?

5 A No.

6 Q And have you ever been in a meeting in
7 which he was present?

8 A Oh, I think he might have spoken at some
9 of those University of Phoenix meetings. I'm not
10 sure.

11 Q Okay. You don't recall a meeting --

12 A No.

13 Q -- at -- at Corinthian --

14 A I had no meetings with David Moore.

15 Q Okay. And you don't recall him speaking
16 at any meeting at Corinthian; is that correct?

17 A No.

18 Q Is that correct?

19 A That's correct.

20 Q Another one of the defendants is someone
21 named Jack Massimino. Do you know who that is?

22 A I think he was with the University of
23 Phoenix. I can't remember the names.

24 Q Okay.

25 A But he might have been with the University

1 of Phoenix.

2 Q Okay. You've never --

3 A I think he was the president over there or
4 something. I'm not sure.

5 Q And you never met him in person?

6 A I can't remember meeting him in person.

7 Q Okay. And I take it you don't recall
8 communicating with him?

9 A No.

10 Q Do you know what a "program participation
11 agreement" is?

12 A No. What is that?

13 Q I'm just asking whether you know what it
14 is.

15 A No, I don't.

16 Q Never heard of it before?

17 A Program participation?

18 Q A program participation agreement.

19 A Okay. No.

20 Q Is today the first day you've heard that
21 word?

22 A As far as I know in relationship to
23 Corinthian.

24 Q Have you ever heard of a program
25 participation agreement in relation to anything

1 else?

2 A No.

3 Q Okay. Have you ever seen any agreements
4 that Corinthian has with the government, the U.S.
5 government?

6 A Like what?

7 Q Any agreements of any kind. Have you ever
8 seen any agreements that Corinthian has with the
9 government?

10 A Not that I know of, no. I would have to
11 say no to that.

12 Q Uh-huh. Are you aware that -- whether or
13 not Corinthian --

14 A It says right here on this one, "comply
15 with government regulations." Are you talking about
16 that kind of --

17 Q No, I'm just -- I'm not asking you
18 questions about anything that's in a document. I
19 just want to know what you know sitting here today.

20 A I don't know anything about that, what
21 you're asking me.

22 Q Okay. So -- so you don't know whether or
23 not Corinthian has any agreements with the
24 government; is that right?

25 A No, I don't know for sure. They probably

1 do, though.

2 Q Okay. But you don't know one way or
3 another?

4 A No, I wouldn't even need to know that.

5 Q Okay. I want to ask you about financial
6 aid. And by that I mean any federal government or
7 state government assistance that's given to a
8 student to help finance their education. So that
9 could be a grant, it could be a loan.

10 As an employee of Corinthian, did you have
11 any responsibility for helping students submit
12 financial aid applications?

13 A I didn't work in financial aid, I worked
14 in admissions.

15 Q Okay.

16 A That's what I did. I didn't mess around
17 with financial aid.

18 Q Okay. Have you ever prepared a financial
19 aid application for a Corinthian student?

20 A No, I have not.

21 Q Have you ever submitted a financial aid
22 application for a Corinthian student?

23 A No.

24 Q Have you ever communicated with the
25 federal government on behalf of Corinthian?

1 A No.

2 Q Did you ever see or hear any
3 communications between a representative of
4 Corinthian and the government?

5 A No.

6 Q Did you ever submit any claim for payment
7 to the federal government on behalf of Corinthian?

8 A No.

9 Q Did you ever see any claim for payment to
10 the federal government that was made by Corinthian?

11 A No.

12 Q Is the same true for state governments as
13 well?

14 A I didn't delve off into that area. That's
15 true.

16 Q You never communicated with state
17 governments?

18 A No, except for myself and as a student I
19 did that for myself.

20 Q But on behalf of --

21 A It wasn't with Corinthian. So...

22 Q On behalf of Corinthian --

23 A No, I didn't.

24 Q -- you never communicated with a state
25 government?

1 And you never submitted a claim for
2 payment to any state government on behalf of
3 Corinthian?

4 A No, I did not.

5 Q You never saw a claim for payment --

6 A No, I haven't.

7 Q -- to a state government on behalf of
8 Corinthian?

9 And you never saw or heard any
10 communications between any representative of the
11 school and any state government; is that right?

12 A No.

13 Q I'm correct?

14 A That's correct.

15 Q Okay. Just a few more questions here.

16 A Uh-huh.

17 Q When you were recruiting students as an
18 admissions representative for the school, did you
19 ever lie to them?

20 A No.

21 Q Did you ever mislead them?

22 A No.

23 Q You were honest with them; right?

24 A Yes.

25 Q And you did your best to provide

1 prospective students with accurate information?

2 A Yes, I did.

3 Q What was the pitch that you would give
4 prospective students who you were trying to recruit
5 to Corinthian?

6 A The pitch?

7 Q Well, what would you -- well, what would
8 you tell them when you were trying to recruit them
9 to the school?

10 A I told them all kinds of things, you know.
11 I can't remember what I told them. I followed the
12 script that Corinthians gave me.

13 Q Okay.

14 A That's what I did.

15 Q And you believed that what you were
16 telling those students or prospective students was
17 true; is that right?

18 A That's right because I wouldn't be telling
19 them a lie.

20 Q When you were a director of admissions,
21 did you ever tell the admissions representatives
22 that you supervised to mislead students in any way
23 that they were trying to recruit?

24 A That I what?

25 Q When you were a director of admissions,

1 did you ever tell the admissions representatives
2 that you were responsible for supervising to mislead
3 prospective students that they were trying to
4 recruit to the school?

5 A No.

6 Q Okay. And did you personally comply with
7 the school's policies and procedures at the time
8 that you were employed at the school?

9 A Yes, I did.

10 Q You never purposely violated any of those
11 procedures?

12 A No.

13 Q And you did your best to follow the
14 policies and the procedures of the school?

15 A Yes, I did.

16 Q Did you ever tell any other employees of
17 the school that they should violate the school's
18 written policies and procedures?

19 A No, I did not.

20 Q Were you ever told that you should violate
21 the school's written policies and procedures?

22 A Regarding enrollments, no, I -- no one
23 told me to do that.

24 Q Okay. And are you aware of any legal or
25 regulatory requirements that relate to recruiting or

1 the compensation of recruiters?

2 A Repeat that, please.

3 Q Are you aware of any legal or regulatory
4 requirements that relate to recruiting or
5 compensating recruiters?

6 A No.

7 Q Have you ever heard of the Higher
8 Education Act?

9 A Yes, I have.

10 Q Okay. When -- what is your understanding
11 of the Higher Education Act?

12 A I don't know. I can't tell you right now.

13 Q When was the first time you heard of the
14 Higher --

15 A I don't want to make an error in telling
16 you that. So I don't want to tell you that.

17 Q Okay.

18 A It's not in my brain right now.

19 Q Okay. When was the first time you heard
20 of the Higher Education Act?

21 A Well, I heard about it when I was at
22 Bryman. I think it has something to do with
23 financial aid.

24 Q Okay. Have you ever heard of a provision
25 in the Higher Education Act that prohibits schools

1 from paying incentive compensation to people who are
2 involved in recruiting activities?

3 A I read something about that.

4 Q Okay. Where did you read something about
5 that?

6 A I probably read it online.

7 Q Okay. When was the first time you heard
8 about that?

9 A Since I've been away from Corinthians,
10 since I got fired.

11 Q Okay. So the first you heard of the
12 provision I just described was after you were
13 terminated from Corinthian?

14 A I probably heard about it when I was
15 working there, but I was focused on something else.

16 Q Okay.

17 A I couldn't like outline everything that's
18 in there for you right now if you asked me to. I
19 couldn't do that, so I'm not going to tell you that
20 I can.

21 Q Okay. And you became aware of this
22 prohibition against paying incentive compensation to
23 people involved in recruiting by doing Internet
24 research?

25 A Can you repeat that, please.

1 Q I'm just trying to understand how you
2 became aware of the provision in the Higher
3 Education Act I described.

4 A Well, I became aware of it since I've been
5 working on this case with you.

6 Q Okay. Before working on putting together
7 this case, were you aware that there was a
8 prohibition in the Higher Education Act against
9 paying incentive compensation to employees involved
10 in recruiting?

11 A No, no. Well, they didn't tell me that
12 when I got hired at Corinthians, no.

13 Q Okay. So the first time you became aware
14 of the provision in the Higher Education Act that
15 prohibits the payment of incentive compensation to
16 people involved in recruiting was when you started
17 to put together this lawsuit; is that right?

18 A I didn't put this lawsuit together. I'm
19 just involved in it. But I heard of it then, yes.

20 Q When you became involved in the lawsuit?

21 A Yes.

22 Q Okay. Who put this lawsuit together?

23 A This is my lawyer, Scott Levy.

24 Q Okay. Just a few more questions here and
25 then we can break for lunch.

1 How did Mr. Levy become your lawyer?

2 A How did he become my lawyer?

3 Q Right.

4 MR. LEVY: Are you asking for attorney-client
5 communications?

6 MS. YOUNG: No.

7 MR. LEVY: Because it sounds like you're --
8 you're getting close to asking that.

9 MS. YOUNG: I am not asking for that.

10 Q I want to know how it came to be that
11 Mr. Levy is your lawyer, given that he's in Houston
12 and you're in the Bay Area.

13 A He was recommended to me and I was -- and
14 I met him.

15 Q Okay. Who recommended Mr. Levy to you?

16 THE WITNESS: What's that person's name, Scott?
17 I don't really need to answer that, do I?

18 BY MS. YOUNG:

19 Q You do. It's not privileged.

20 A I do. Well, I don't know the person's
21 name because I'm not -- I met that person one time
22 and I haven't seen that person in several years, so
23 I can't even remember the name.

24 Q How did you meet this person?

25 A I met that person having dinner one time.

1 Q Male or female person?

2 A She was a female.

3 Q What was the subject of your dinner
4 conversation?

5 A I can't remember that. How good the
6 potatoes were. I don't know.

7 Q Why did you have dinner with her?

8 A Well, she invited me.

9 Q So this is a person you've never met
10 before in your life and she invites you to dinner.
11 Did she say why?

12 A She wanted to get to know me.

13 Q Did she -- I mean, if I got a call like
14 that, I would want to know why. Did you ask her why
15 she wanted to get to know you?

16 A No, I didn't. I just went to dinner. I
17 had dinner with her.

18 Q What did you discuss during that dinner?

19 A Well, I can't remember. It's been a
20 while. I can't remember everything I discussed with
21 her.

22 Q Can you remember in general what you
23 talked about?

24 A Yes, I do. Admissions.

25 Q Can you be more specific?

1 A Just stuff about admissions, her job or
2 whatever.

3 Q Was this person an admissions
4 representative at Corinthian?

5 A Maybe. I'm not sure. I didn't ask her
6 whether she was in admissions. I didn't ask.

7 Q How did it come to be that she gave you a
8 reference to Mr. Levy?

9 A I think she might have worked with him
10 before. I'm not sure.

11 Q Was that what she told you?

12 A She didn't tell me that because I didn't
13 ask her that because I don't get in people's
14 business. I didn't ask her.

15 Q So you said she contacted you. Do you
16 know how she got your information?

17 A No, I don't.

18 Q When did she contact you?

19 A I'm not sure of the date.

20 Q So this lawsuit was filed in 2007 -- I'm
21 sorry. We have a -- we have a communication that we
22 know happened between you and Mr. Levy on
23 October 7th, 2006.

24 A Uh-huh.

25 Q Did this woman contact you around that

1 Q Was the purpose of the meeting to talk
2 about anything?

3 A Not necessarily.

4 Q So who contacted you to set up the
5 meeting?

6 A Who contacted me to set it up?

7 Q Correct.

8 A The meeting was already set up when I got
9 there.

10 Q How did the meeting get set up?

11 A I'm not sure because I didn't set it up.

12 Q Who set up the meeting?

13 A I'm not sure. I didn't set it up.

14 Q How did you know to go to the
15 restaurant -- you were at a restaurant for this
16 dinner meeting?

17 A I was at a restaurant, yes.

18 Q How did you know to go to the restaurant
19 for the meeting? Did somebody call you and say that
20 a meeting was going to happen?

21 A Someone called me.

22 Q Who told you?

23 A Talala called me.

24 Q And what did he say to you?

25 A And I didn't know what was happening until

1 I got there. I didn't know what the meeting was all
2 about and I just had dinner and left.

3 Q What did Talala say to you when he called
4 you about this meeting?

5 A What did he say to me?

6 Q Uh-huh.

7 A This has been a while. I can't tell you
8 exactly what he said to me. He asked -- told me he
9 was having dinner and to come over. So I went over
10 there to the restaurant.

11 Q Okay. Who paid for dinner?

12 A Who paid?

13 Q Uh-huh.

14 A I don't know. Probably one of those
15 people that was with me. I didn't pay. I'm not
16 sure who paid because I didn't -- I wasn't paying
17 that close of attention who paid, but I didn't pay.

18 Q So was there any discussion at this dinner
19 meeting about bringing a lawsuit against Corinthian?

20 A Repeat that.

21 Q Was there any discussion at this dinner
22 meeting about bringing a lawsuit against Corinthian?

23 A It could have been. I'm not sure.

24 Q Had you thought about bringing a lawsuit
25 against Corinthian before that dinner meeting?

1 A No, I hadn't. I didn't know anything
2 about a lawsuit with Corinthians.

3 Q Had you ever thought that Corinthian might
4 have been defrauding the government before that
5 dinner meeting?

6 A In terms of defrauding them?

7 Q You're bringing a claim for fraud in this
8 lawsuit. Do you understand that?

9 A Yes, I do.

10 Q Okay.

11 A But you have to be specific when you ask
12 me a question.

13 Q Did you --

14 A Defrauding them in terms of?

15 Q It's a broad question. Did you believe
16 that --

17 MR. LEVY: It's 1:00 o'clock, too, so make this
18 your last one.

19 MS. YOUNG: Well, I'm going to wrap up this
20 line of questioning.

21 Q Before you had this dinner meeting --

22 A Uh-huh.

23 Q -- did you believe that Corinthian had
24 engaged in any fraud against the government?

25 A No. I would have to say no to that.

1 Q And before attending this meeting, did you
2 believe that Corinthian had done anything improper
3 in the way it compensated admissions
4 representatives?

5 A No.

6 MS. YOUNG: Okay. That's all I have. Let's
7 break for lunch.

8 THE VIDEOGRAPHER: The video deposition is now
9 going off record at 1:02 p.m.

10 (A recess was taken from 1:02 p.m. to
11 2:32 p.m.)

12 THE VIDEOGRAPHER: The video deposition is now
13 returning to record at 2:32 p.m.

14 BY MS. YOUNG:

15 Q Okay. Ms. Lee, we're returning after a
16 lunch break and you understand that you are still
17 under oath?

18 A Yes, I do.

19 Q Okay. And is there anything that you
20 would like to amend in terms of your testimony
21 earlier today?

22 A Not that I know of at this moment.

23 Q Okay. Before the break we were talking
24 about a dinner that you attended with Mr. Levy and
25 Mr. and Mrs. Mshuja.

1 Am I saying that correctly, by the way,
2 Talala --

3 A Ask him. It's his name.

4 Q Unfortunately, the only person that I'm
5 supposed to be asking questions of is you. And
6 so --

7 A Okay.

8 Q How do you pronounce his name?

9 A Mshuja.

10 Q Mshuja?

11 A Mshuja.

12 Q Mshuja. Okay.

13 So we were talking about this dinner that
14 you attended with Mr. Mshuja -- Mshuja and Mr. Levy
15 and Mr. Labaton and another woman.

16 A Uh-huh. Yes.

17 Q Do you have that in mind?

18 A Uh-huh.

19 Q And you say that Mr. Mshuja called you
20 about the dinner to tell you to come to it?

21 A Yes, he did.

22 Q Okay. What is your relationship with
23 Mr. Mshuja?

24 A What's my relationship? I worked with him
25 at Corinthians.

1 Q Okay. Do you have any familial
2 relationship with him?

3 A Do I have what?

4 Q Any familial relationship with him? Is he
5 part of your family?

6 A He's my brother.

7 Q Okay. And you also worked with him at
8 Corinthian?

9 A Yes, I did.

10 Q In what way did you work with him at
11 Corinthian?

12 A Well, he worked there the same time I did.
13 I didn't work in the same -- you know, I didn't work
14 with him, but he worked there when I was working
15 there.

16 Q Okay. Okay. And what did Mr. Mshuja do
17 at Corinthian?

18 A He was at one time the test proctor.

19 Q You said "at one time." During what time
20 period was he a test proctor for Corinthian?

21 A I'm not sure because I took care of my
22 business and that's it. I'm not sure of the dates
23 on that. So you can't ask me that. I'm sorry.

24 Q Okay. He overlapped with you a little bit
25 at Corinthian?

1 A Well, he was the proctor when I was in
2 admissions.

3 Q So at the same time that you were in
4 admissions, he was employed as a test proctor; is
5 that correct?

6 A Yes.

7 Q Do you know if he worked for Corinthian
8 after you stopped your employment there?

9 A I wish you could ask him those questions
10 because I don't get in people's business, but I was
11 there and I left and I was gone. So I don't know
12 what he did. You'd have to ask him these questions.

13 Q Okay.

14 A Okay. If you don't mind.

15 Q We will have an opportunity to do that
16 tomorrow.

17 A Okay. Okay.

18 Q But we are entitled to what you know
19 today. So if you --

20 A About him?

21 Q Correct.

22 Are you aware of him continuing to work
23 for Corinthian after you left your employment there
24 in 2005?

25 A Okay. I think he left before I did. I'm

1 not sure.

2 Q Okay. And are you aware of him having any
3 position at Corinthian other than as a test proctor?

4 A No, I'm not.

5 Q How frequently would you communicate with
6 him about or -- strike that.

7 Did you communicate with Mr. Mshuja about
8 your work for Corinthian?

9 A No.

10 Q Are you aware of anybody else who
11 communicated with Mr. Mshuja about their work at
12 Corinthian?

13 A No.

14 Q Did you ever see him visit anyone in
15 admissions -- the admissions department at
16 Corinthian?

17 A Visit?

18 Q Correct.

19 A Well, I mean, he had to walk around the
20 admissions department and give everybody their test
21 scores. And he gave me mine when I had schooling
22 and got tested, but I wasn't like trying to figure
23 out where he was. I wasn't doing that.

24 Q Okay.

25 A Uh-huh.

1 A Not that I know of.

2 Q Okay. So when Mr. Mshuja called you about
3 this dinner, did you ask him who would be at this
4 dinner?

5 A No, I did not.

6 Q Did he tell you who would be at this
7 dinner?

8 A No.

9 Q Did you ask him why --

10 A I didn't ask any questions. I'm not a
11 question asker.

12 Q Okay. What did he tell you about the
13 dinner when he called you?

14 A He said, "I want you to come over and meet
15 me for dinner" and I did.

16 Q That was all he told you about it?

17 A That's what he told me and that's what I
18 did.

19 Q Okay. And then you went to the dinner.
20 We talked about who was there.

21 And at that point were you introduced to
22 Mr. Levy?

23 A Yes, I was.

24 Q And what -- how were you introduced to
25 him?

1 A Like you introduce somebody. "This is
2 Scott Levy" and "I'm Nyoka." I introduced myself to
3 him.

4 Q Did he tell you at that time that he was a
5 lawyer?

6 A Probably. I'm sure he did. I can't
7 remember.

8 Q Did you understand that you were meeting
9 with a lawyer at that dinner?

10 A Well, after I got there I did, but I
11 didn't know that before I got there.

12 Q Okay. And what about Mr. Labaton, was he
13 introduced to you as a lawyer?

14 A Yes, he was.

15 Q Were you told anything about why lawyers
16 were at this dinner?

17 A I didn't ask, I just had dinner.

18 Q Okay. That wasn't my question.

19 I was asking were you told anything about
20 why lawyers were at this dinner?

21 A Told like -- I was told who they were,
22 introduced to them, and then there was a
23 conversation going on that I was involved in because
24 I was there, you know, and I was listening.

25 Q And the conversation, did it discuss

1 bringing a legal action or a lawsuit against
2 Corinthian?

3 A I can't remember now at that time.

4 Q Did it discuss any potential wrongdoing
5 that might have been going on at Corinthian? Was
6 that a subject of discussion at this dinner?

7 A No. Because I didn't see this person for
8 a few years until yesterday.

9 Q So after the dinner that took place that
10 we've just been discussing, you haven't seen
11 Mr. Levy until yesterday?

12 A Yeah, I didn't see him for years.

13 Q Okay. At the dinner, was there any
14 discussion about how you might benefit from bringing
15 a lawsuit against Corinthian?

16 A No.

17 Q Do you have an understanding of whether --
18 what you might stand to gain by bringing a lawsuit
19 against Corinthian?

20 A Do I have an understanding of what
21 might -- what I might be able to gain? Not at this
22 moment.

23 Q Okay. Did you have an understanding after
24 you went to that dinner about what you might have to
25 -- might stand to gain from bringing a lawsuit

1 against Corinthian?

2 A Gain in terms of? You have to be specific
3 when you talk to me.

4 Q An award of money as a result of a
5 lawsuit?

6 A No, I didn't have an understanding of any
7 kind of money at that point.

8 Q That wasn't a subject that you discussed
9 at the dinner?

10 A No.

11 Q Did you bring any documents with you to
12 the dinner?

13 A No, I did not. I brought my bag and my
14 body. That's it.

15 Q And did you get any documents at the
16 dinner?

17 A No, I did not.

18 Q Were you shown any documents at the
19 dinner?

20 A No.

21 Q At some point did you sign an agreement to
22 retain Mr. Levy as your lawyer?

23 A Yes, I did.

24 Q Do you recall when you did that?

25 A No, I don't.

1 Q Let me show you a document that may help
2 refresh your memory on that.

3 A I don't know dates like that on that.

4 MS. YOUNG: We're going to mark this as
5 Exhibit 13.

6 MR. LEVY: 15.

7 MS. YOUNG: Exhibit 15. That's right. I'm
8 sorry.

9 (Defendants' Exhibit 15 was marked
10 for identification by the deposition officer and is
11 bound under separate cover.)

12 BY MS. YOUNG:

13 Q So this is a privilege log that was
14 provided to us by your attorney recently.

15 A Uh-huh.

16 Q And if you could turn to the second page
17 of this document.

18 A Okay.

19 Q There are various entries in this log that
20 are listed by date. The first column is labeled
21 "Date." And I'm looking at an entry which is the
22 second-to-last one from the bottom of page 2 --

23 A I see that.

24 Q -- dated October 10th, 2006. And it's
25 described as a "Retainer Agree" letter, authored by

1 Mark Labaton and received by Nyoka Lee, Talala
2 Mshuja, Susan Newman and John Chacon.

3 Do you see that?

4 A I see this right where it is.

5 Q Is that the retainer agreement that you
6 signed?

7 A Well, it could have been. I'm not sure
8 because that's the first time I've seen this
9 document.

10 Q Okay.

11 A It says it right here, but I haven't seen
12 this document.

13 Q Okay. And I think you said earlier that
14 you don't know who Susan Newman and John Chacon are?

15 A I don't know those people and I didn't
16 know them when I showed up. I don't know those
17 people now. I see their names on this piece of
18 paper, but I don't know them.

19 Q Okay. And you personally have never
20 communicated with Susan Newman or John Chacon to
21 your knowledge?

22 A I don't know those people.

23 MR. LEVY: Other than at the dinner; correct?

24 MS. YOUNG: Well, I believe the testimony is
25 she doesn't recall the names of the people who were

1 at the dinner.

2 Q Do you want to change that?

3 MR. LEVY: I -- I don't recall that being the
4 testimony, but --

5 MS. YOUNG: Well, let me ask the question so
6 the record is clear.

7 THE WITNESS: Yes. Like I said, when I showed
8 up, I didn't know either of those individuals.

9 BY MS. YOUNG:

10 Q Okay. Did --

11 A And I don't know them now. I don't know
12 where they are. I don't talk to them. I mean, what
13 do you consider "know them"? I don't talk to them.

14 Q Have you ever met any of these people,
15 Susan Newman or John Chacon, ever?

16 A They were at the dinner.

17 Q They were both at the dinner?

18 A Yeah.

19 Q Okay.

20 A But I didn't really engage in a
21 conversation with them even at the dinner.

22 Q Okay.

23 A I wasn't like, "Hey, how are you doing?"
24 I didn't do that.

25 Q Okay. How --

1 A They were just there and I was there.

2 Q You said that a woman who attended the
3 dinner recommended that you hire Mr. Levy as your
4 lawyer?

5 A I didn't say that. No, I didn't say that.

6 Q You didn't say that?

7 A No, nobody recommended me to do that.

8 Q Why did you hire Mr. Levy as your counsel?

9 A Because he was interested in working with
10 me. Okay.

11 Q Did --

12 A So I was interested in what he had to say
13 and that's how he -- that's how we came together.

14 Q Did he tell you why he was interested in
15 working with you?

16 A Yes, of course.

17 Q Why was that?

18 A Because he felt at that particular time
19 that Corinthian Colleges was involved in some
20 default or whatever, and that he wanted to defend
21 this case right now while we're sitting here.

22 Q Okay. Prior to that time, the idea that
23 Corinthian was in default of something was not an
24 idea that had occurred to you; is that right?

25 A Well, I saw some malpractices when I was

1 else about what happens if --

2 A Not at this time. I don't.

3 Q Please let me finish my question.

4 Do you have an agreement with anybody else
5 about what happens if you win an award in this case?

6 A I don't have an agreement.

7 Q Do you have an understanding with
8 Mr. Mshuja about what happens if you win an award in
9 this case?

10 A I wouldn't have an understanding with him
11 about that, no, I don't.

12 Q Okay. Do you have an agreement with
13 Mr. Levy or Mr. Labaton about what happens if you
14 win an award in this case?

15 A I don't have an agreement with them.

16 Q Looking back at this document that we've
17 marked as Exhibit 15, this privilege log.

18 A Uh-huh.

19 Q I understand that you didn't prepare it.
20 Did you look at this document before it was --

21 A No.

22 Q -- finalized?

23 A I have never seen this document before.

24 Q Please look at an entry -- it's the third
25 one from the top on the first page.

1 A On the right-hand side?

2 Q Well, they go from left -- the description
3 goes from left to right. So what I'm looking at is
4 a document dated 10/20/2006. The author is noted as
5 Mark Labaton.

6 A Uh-huh.

7 Q The recipient is Gary Plessman, Assistant
8 U.S. Attorney. And it's described as a letter,
9 "Regarding: Draft complaint Re IBT."

10 Do you see that?

11 A No, I don't.

12 Q Okay. It's -- it's this one right here
13 (indicating). I'm looking at the third entry down.

14 A I see that, "Re: Draft complaint."

15 Q Are you with me?

16 A Yeah.

17 Q Regarding the draft complaint re IBT. Do
18 you see that?

19 A I see that, uh-huh.

20 Q Do you know what that refers to, "Draft
21 complaint Re IBT?"

22 A No, I don't know anything about IBT.

23 Q Okay. You don't know what IBT is?

24 A Well, I know what it is, but I don't know
25 anything about IBT. I never worked there, so...

1 Q What is IBT?

2 A International business something, I guess.
3 International Business Technology, maybe. I don't
4 know.

5 Q Okay.

6 A I don't work -- I didn't work for IBT, so
7 I can't answer any questions about them.

8 Q Okay. Okay. Do you know if they're a
9 for-profit school or --

10 A I don't know about them.

11 Q Okay.

12 A I didn't work for them.

13 Q Okay.

14 A So I can't discuss it.

15 Q Okay. Let's put this aside for now.

16 A Okay. Look how many papers I had.

17 Q You mentioned before that you felt like it
18 was all about the numbers. I think I heard you say
19 that many times.

20 A Yes, it was.

21 Q And I just want to try to understand what
22 numbers you're talking about. So if you can look at
23 Exhibit 13, what we marked as Exhibit 13.

24 In this document, if you -- this is the
25 campus-based admissions representative minimum

1 standards of performance. If you look on page 2,
2 under No. 18, do you see where it says, "Start the
3 established annual minimum performance targets
4 required of each admissive" -- "admissions
5 representative classification as described below"?

6 A Yes, I see that.

7 Q Okay. And then it has descriptions of
8 different titles of admissions representative. And
9 the first one is associate campus admissions
10 representative.

11 Do you see that?

12 A Yes, I do.

13 Q And then it says that the requirement is
14 to "Achieve a minimum of 100 starts (net of
15 reversals) in the four most recent company defined
16 fiscal" -- "fiscal quarters."

17 Do you see that?

18 A Yes.

19 Q And then it goes on for campus admissions
20 representative to say "Achieve a minimum of 120
21 starts"?

22 A I see that.

23 Q Okay. And it goes on and it's got
24 different numerical requirements, increasing as you
25 go from one level to the next?

1 A Yes, I see that.

2 Q When you said it was all about the
3 numbers, are these the numbers that you were
4 referring to?

5 A Yes.

6 Q And these are the numbers you understood
7 admissions representatives would have to hit or they
8 would be terminated?

9 A Yes. And they would have to accomplish
10 that in order to get a raise.

11 Q Okay. They would also have to hit those
12 numbers in order to get a raise?

13 A Yeah, you got to hit them numbers.

14 Q Did you ever express a concern to anybody
15 at Corinthian about how admissions representatives
16 were being compensated?

17 A In terms of hitting these numbers or just
18 in general?

19 Q In general, did you express a concern to
20 the school about anything related to how admissions
21 representatives were being compensated?

22 A Well, I don't -- I remember having had --
23 having a conversation with Mr. Plant about my
24 numbers when he was supposedly giving me my annual
25 raise. He didn't give me my raise and he said I

1 didn't hit my numbers, and I told him that I did.
2 So we had a discussion about that.

3 And he checked with corporate because I
4 told him he needed to check with corporate because
5 he would discover that I had hit those numbers and
6 he needed to give me my raise. I had a conversation
7 with Plant about that.

8 Q And that was in what time period?

9 A I'm not sure what time period it was, but
10 it was one time when I was getting my raise. I
11 don't know the exact year or whatever, but one time
12 that did happen. And I had my files on the numbers
13 that I had hit and I presented it to him. And he
14 had to give me my raise.

15 Q Okay. And that was before January 1st of
16 2005; correct?

17 A Yes. Excuse me.

18 Q And you don't know what other factors
19 Mr. Plant or anyone else might have considered in
20 deciding whether you should get a raise?

21 A Other than those numbers, you got to hit
22 those numbers. If you hit them, they have to give
23 you a raise because that's what they said.

24 Q But -- but you don't know what Mr. Plant
25 was thinking about, whether you should get a raise

1 or whether there were any other factors that should
2 determine whether you should get a raise?

3 A I never discussed that with Plant. I
4 didn't discuss that with him ever. The only time
5 Mr. Plant spoke to you is when you made your
6 numbers.

7 Q Okay. So other than this one conversation
8 with Mr. Plant that happened sometime prior to
9 January 1st, 2005 --

10 A Uh-huh.

11 Q -- did you ever express a concern to
12 anybody at the school about how admissions
13 representatives were being compensated?

14 A No, I did not.

15 Q Okay. Did you ever express concern to
16 anybody at the school about how directors of
17 admissions were being compensated?

18 A No, I did not.

19 Q Now, you filed a complaint in this case on
20 March 26th, 2007; is that right?

21 A You have it.

22 Q I do. I'm just asking do you remember
23 when the complaint was filed?

24 A Well, it depends on which one it was. I
25 filed several complaints.

1 Q Okay.

2 A You have to tell me which one you're
3 talking about.

4 Q I'm talking about the very first one.

5 A Oh, which one is that? What does it say?

6 Q It's the first complaint that was filed in
7 this case. Do you recall when it was filed?

8 A No, I do not. That's why I'm asking you
9 to refresh my memory.

10 Q Okay. Let's -- well, we can take a look
11 at it to see if it will refresh your memory.

12 A Okay.

13 MS. YOUNG: We'll mark this as Exhibit 17.

14 THE WITNESS: Oh, you're talking about the
15 court. I thought you were talking against the
16 school.

17 THE REPORTER: We're on 16.

18 MS. YOUNG: Oh, are we on Exhibit 16? I'm
19 sorry. This is Exhibit 16.

20 MR. PHADKE: Well, we numbered the last one 15.

21 MS. YOUNG: Okay.

22 (Defendants' Exhibit 16 was marked
23 for identification by the deposition officer and is
24 bound under separate cover.)

25 ///

1 BY MS. YOUNG:

2 Q So this is Exhibit 16.

3 Before we look at this document, have you
4 made any informal complaints against the school?

5 A I thought you meant when I was working at
6 the school.

7 Q Okay.

8 A You know, if something went down or
9 somebody had a disagreement or whatever, I would
10 document it and I thought you were talking about
11 that.

12 Q Okay. Well, let me ask you some questions
13 about that since you brought it up.

14 Did you make it a practice to document all
15 the complaints that you had against the school at
16 the time you were working there?

17 A Uh-huh. That's what you're supposed to
18 do. Yeah, I did.

19 Q Okay. And you provided those complaints
20 to people at the school?

21 A Yeah, to Mr. Plant or Cary or corporate or
22 whoever.

23 Q Okay. And did any of the complaints that
24 you documented have anything to do with how
25 compensation was being paid to admissions

1 representatives?

2 A I don't remember that.

3 Q Okay.

4 A Nothing like that.

5 Q Have you provided us with all of the
6 complaints that you made to the school while you
7 were employed there?

8 A I'm not sure.

9 Q Do you still have all of the complaints?

10 A I might have. I would have to look --

11 Q Okay. Have you --

12 A -- in my records.

13 Q Have you provided all of those complaints
14 to your lawyer?

15 A I don't know. I had some papers I gave
16 him. I don't know if they were in there or not. As
17 far as I can see, I provided them.

18 Q Okay. Well, we'll get back to that later.

19 Okay. So let's take a look at Exhibit 16.
20 This is the first complaint that was filed in this
21 lawsuit. And if you look at the top, the date is
22 March 26, 2007.

23 Do you see that?

24 A Yes, I see that.

25 Q Okay. Have you seen this document before?

1 A I probably have. I saw a lot of
2 documents. I can't remember every single document
3 that I've seen.

4 Q This is the complaint in which you're
5 bringing this lawsuit and you don't recall if you've
6 seen it?

7 MR. LEVY: Objection; form. That's not what
8 she said.

9 THE WITNESS: I saw a lot of documents. I've
10 seen a lot of documents, a lot.

11 BY MS. YOUNG:

12 Q But sitting here right now, you don't
13 recall if you've seen this or not?

14 A Like I said, one document gives you
15 cross-eye if you're reading everything. This is --
16 I'm sure I've seen this before. I've seen a lot of
17 documents relating to this case.

18 Q Okay.

19 A Does that make you clear?

20 Q No, because I want to know if you've seen
21 this document before.

22 A I'm looking at it now.

23 Q And if you -- if you can't answer the
24 question, that's fine. If you don't know, that's
25 okay. Just say so.

1 MR. LEVY: Objection to form.

2 THE WITNESS: Okay. Okay.

3 BY MS. YOUNG:

4 Q So this document was filed on March 26,
5 2007.

6 A Okay.

7 Q Before that date, did you receive any
8 information about Corinthian's compensation policies
9 or practices from any source other than what we've
10 already talked about?

11 A No.

12 Q And before filing this complaint in
13 March 20 -- on March 26th of 2007, did you receive
14 any information about any complaints or lawsuits
15 against Corinthian?

16 A I can't remember that. There could have
17 been something online about Corinthians. I don't
18 remember.

19 Q Are you aware of any other complaints or
20 lawsuits against Corinthian?

21 A I think I saw one online. Somebody was
22 complaining of -- having a lawsuit against
23 Corinthians, but I didn't read all of it. I wasn't
24 trying to dig up anything like that.

25 Q Uh-huh.

1 A But I saw something regarding complaints.

2 Q Do you recall what the nature of the
3 complaint was against the school that you found on
4 the Internet?

5 A I'm not sure. Because every once in a
6 while I'll log on and see what's happening in
7 corporate or whatever, but I'm not -- after I left
8 Corinthians, I wasn't interested in doing any of
9 that stuff again.

10 Q Okay. Before you filed your complaint on
11 March 26, 2007, did you receive any information
12 about any complaints or lawsuits against other
13 for-profit schools?

14 A I saw some stuff, some information
15 regarding University of Phoenix and some admissions
16 reps that filed against them.

17 Q Where did you get that information from?

18 A It was on- -- online.

19 Q When did you get that information?

20 A I'm not sure. I'm not sure to be honest
21 with you.

22 Q It was -- it was before you filed your
23 complaint?

24 A I'm not sure.

25 Q Okay.

1 A I'm not sure of that date. Okay.

2 Q Do you recall anything about the nature of
3 the allegations that admissions representatives were
4 making against these other for-profit schools?

5 A They were making the same allegations I'm
6 making right now in terms of meeting the numbers and
7 that sort of thing that we've been talking about
8 here. The same type of...

9 Q And did you base your complaint in part on
10 what you read about these other lawsuits?

11 A No, I did not.

12 Q Before you filed your complaint on
13 March 26, 2007, other than this dinner meeting we've
14 discussed, did you talk with any nonlawyers about
15 your work as an admissions representative against
16 Corinthian or about bringing a lawsuit against
17 Corinthian?

18 A No, I did not.

19 Q Okay. Have you ever communicated with the
20 United States government about your lawsuit?

21 A No, I have not.

22 Q Are you aware of something called a
23 "confidential disclosure statement"?

24 A Yes.

25 Q What do you understand that to be?

1 A I understand that I was not supposed to
2 discuss this case with anybody, period, dot, except
3 for my lawyer, Scott Levy.

4 Q Okay. Are you aware of a document called
5 a "confidential disclosure statement" that was
6 provided to the United States government about your
7 case?

8 A No, I'm not aware of that document.

9 Q Are you aware of any documents that were
10 provided to the United States government about your
11 case?

12 A Well, I probably have this one in my
13 files. I have lots of documents, like I said,
14 regarding this case.

15 Q I understand you have lots of documents.
16 I just want to know if you know about any documents
17 that were provided to the United States government
18 either by you or your attorney.

19 A Well, I know that I don't know about that.

20 Q Okay.

21 A Okay. So I don't know how else I would
22 know about anything like that.

23 Q So you don't know if your attorney
24 provided any documents to the government before this
25 complaint was filed?

1 A No, I don't.

2 THE VIDEOGRAPHER: Counsel, can I ask you not
3 to twist the wire of the mic. Thank you.

4 BY MS. YOUNG:

5 Q And did your counsel collect documents
6 from you at some point before the lawsuit was filed?

7 A I know that they collected documents from
8 me. I don't know if it was before this date or not.
9 I'm not sure what date it was. I did send some
10 documents.

11 Q Okay. Was that recently or was it some
12 years ago? Because this document is dated March of
13 2007.

14 A It was a few years ago.

15 Q Okay. But you can't tell me sitting here
16 today if it was before or after March 26th, 2007?

17 A No, I can't tell you that.

18 Q And did you provide those documents along
19 with a cover letter or did you just send them to
20 your attorney? How did you provide them to your
21 attorney?

22 A I sent them in the mail.

23 Q What documents did you provide to your
24 attorney?

25 A Everything that I had that might be

1 pertinent. All kinds of stuff that I had --

2 Q Okay.

3 A -- you know, when I was working at
4 Corinthians that was in my briefcase when I left.

5 Q Is that -- is the universe of those
6 documents what you brought with you to your
7 deposition today?

8 A I do believe so. I think so.

9 Q Okay.

10 MR. LEVY: Do you mean Exhibit 14 or do you
11 mean the document production we gave you last week?

12 MS. YOUNG: I mean Exhibit 14.

13 Q So Exhibit 14 -- you can take a look at
14 it.

15 A She has my documents over there. Can I
16 have it?

17 Q Oh, I have it. I'm sorry. Here's
18 Exhibit 14.

19 A Oh, okay.

20 Q Is Exhibit 14 the universe of documents
21 that you --

22 A This whole packet.

23 Q This whole packet that we marked as
24 Exhibit 14, which you brought with you to the
25 deposition today, is that the universe of documents

1 that you provided to your attorney some years ago?

2 A Uh-huh. When you say "universe," are you
3 saying all of them?

4 MR. LEVY: Is that everything?

5 BY MS. YOUNG:

6 Q Is that everything?

7 MR. LEVY: She's asking if that's everything.

8 THE WITNESS: Okay. Well, she has to say what
9 she's asking and then I'll understand her.

10 "Universe" means everything?

11 BY MS. YOUNG:

12 Q That means everything.

13 A There were some more documents other than
14 this as far as I can tell.

15 Q That you brought --

16 A But I don't know where they are.

17 Q Okay. And you provided those documents to
18 your attorney?

19 A Yes.

20 Q Can you describe what the documents
21 consisted of?

22 A No, because I don't have -- my memory is
23 not set up like that.

24 Q Okay.

25 A There are a lot of documents and I don't

1 know each one.

2 MR. LEVY: And we provided all those documents
3 to you.

4 BY MS. YOUNG:

5 Q Do you know if the government received a
6 copy of this complaint, Exhibit 16, before it was
7 filed on March 26, 2007?

8 A How would I know that? I don't know that.

9 Q Okay. Did you help draft the document
10 that we marked as Exhibit 16?

11 A No, I did not.

12 Q And you've seen it before, I think you
13 said -- well, I'm not sure that you -- strike that.

14 Did you review the document before it was
15 filed on March 26, 2007?

16 A I can't remember.

17 Q Okay. Exhibit 16 has an Exhibit A
18 attached to it. It's toward the back of the
19 document.

20 A Okay.

21 Q You see this page marked as "Exhibit A"
22 toward the back?

23 A Okay. Hold on.

24 Yes, I see that.

25 Q Okay. For the record, Exhibit A, page 1,

1 the heading says, "Corinthian Schools and Rhodes
2 Colleges Adult Admissions Representative
3 Compensation Program. Updated: July 6th, 2005."

4 And by July 6, 2005, you were no longer
5 employed at Corinthian; is that right?

6 A If I have this, I must have been employed
7 there. How else would I get this document?

8 Q Well, I'm not sure that -- did you -- did
9 you get this document? Is this a document that came
10 from you?

11 A Somebody got it.

12 Q But you don't know if it's a document that
13 came from you or somebody else?

14 A Well, it had to come from me because I was
15 the one that worked at Corinthians.

16 Q Well, Mr. Mshuja also worked at
17 Corinthian; right?

18 A But he didn't work in admissions.

19 Q Okay. Well, how did you get a copy of
20 this document?

21 A Like I said, someone at Corinthians gave
22 it to me, obviously. How else would I get it?

23 Q Do you know who gave it to you?

24 A Somebody. I don't know, whoever gives
25 these out. It's a promotion probably from Cary

1 Kaplan.

2 Q Okay. So this says the document was
3 created on July 5th, 2005.

4 Do you see that at the bottom?

5 A I see that up here, right here
6 (indicating).

7 Q And then at the very bottom of the first
8 page --

9 A Uh-huh.

10 Q If you'd look with me at the first page of
11 this Exhibit A, please.

12 A Okay. I got it.

13 Q In -- in the margin at the bottom it says,
14 "Document Created: July 5th, 2005."

15 Do you see that?

16 A Okay. Uh-huh. Yes, I do.

17 Q You were terminated as of May 2005;
18 correct?

19 A You have that termination paper? Whatever
20 date is on there, that's when I was terminated.

21 Q I think we did look at it. I think you
22 said a couple of --

23 A Did it say 2004?

24 Q No, I think it's May 2005.

25 A Okay. Then if it said May 2005, that's

1 when it was because I signed it. I'm sure I
2 didn't...

3 Q Okay. So how did you get a document that
4 was created after you were terminated?

5 A Like I said, I must have got it before I
6 was terminated because I couldn't get a document
7 like this if I was terminated before this.

8 Q You were never compensated under the plan
9 that's attached as Exhibit A to the complaint; is
10 that right?

11 A This is Exhibit A (indicating); right?

12 Q Correct.

13 A I was never compensated?

14 Q Correct.

15 A What does that mean? You mean in terms of
16 my raises or --

17 Q Yeah, at that point you had been
18 terminated from the school, so you were never
19 compensated under this plan; correct?

20 A Well, if I was terminated, there is no way
21 I could be.

22 Q Right. And there's no way you could be
23 promoted or receive a salary increase under this
24 plan that's attached as Exhibit A; right?

25 A That's right. Uh-huh. I'm not sure where

1 this came from. I didn't -- I don't remember having
2 it.

3 Q Okay. Do you recall seeing this document
4 at all?

5 A Well, I've seen documents like this.

6 Q Okay.

7 A I don't know if it was this particular one
8 with this particular date on it.

9 Q I'm actually asking about this particular
10 document because it is attached as an exhibit to the
11 complaint you filed. And you don't recall --

12 A If it was attached to that, then I
13 probably saw it because -- you know, I didn't read
14 every word from the pages of this document when I
15 received it, but I -- I skimmed it. I was aware of
16 what was going on.

17 Q Okay. And am I correct that the --

18 A I didn't -- I didn't notice those dates.

19 Q Okay. And am I correct that the
20 allegations in your complaint are based on the
21 experiences you had when you were employed as an
22 admissions representative at Corinthian?

23 A Yes, that's correct.

24 MS. YOUNG: I'm handing you what we'll mark as
25 Exhibit 17.

1 (Defendants' Exhibit 17 was marked
2 for identification by the deposition officer and is
3 bound under separate cover.)

4 BY MS. YOUNG:

5 Q This is a copy of the first amended
6 complaint that was filed in this action.

7 Have you seen this document before?

8 A I'm sure I have.

9 Q Did you help to draft it?

10 A No, I did not.

11 Q Did you review it before it was filed?
12 And this document was filed on December 15, 2011.

13 A It's a possibility I could have reviewed
14 it. I'm not sure.

15 Q And are the allegations in your first
16 amended complaint also based on your experiences --

17 A Are you talking about this one
18 (indicating)?

19 Q No, I'm talking about the new one that
20 we've marked as Exhibit 17.

21 A Are they based on what?

22 Q Are the allegations in the first amended
23 complaint --

24 A Which is this one (indicating)?

25 Q -- which is what we've marked as

1 Exhibit 17 --

2 A Uh-huh.

3 Q -- based on your experiences that you had
4 when you were employed as an admissions
5 representative for Corinthian?

6 A Yes, I'm sure it is because I was employed
7 at Corinthian's admissions.

8 Q Are the allegations in the first amended
9 complaint based on any information different from
10 the information that formed the basis for your first
11 complaint?

12 A That's a hard question because I don't
13 remember everything in each one of these documents.

14 Q What I'm just trying to understand is are
15 they based on the same factual information?

16 A Well, if it's the same case, I'm sure it
17 is. It's the same case.

18 Q It's the same case?

19 A Right.

20 Q Did you learn anything in between the
21 original complaint you filed and the filing of the
22 first amended complaint that changed any of the
23 allegations you're making in the lawsuit?

24 A I'm not -- I don't think so. I think it
25 was one thing, but I can't remember what it was.

1 Q You think you learned something new in
2 between?

3 A No, I didn't learn anything new.

4 MS. YOUNG: I'm handing you what we'll mark as
5 Exhibit 18.

6 (Defendants' Exhibit 18 was marked
7 for identification by the deposition officer and is
8 bound under separate cover.)

9 BY MS. YOUNG:

10 Q These are the plaintiff's initial
11 disclosures that were filed in this lawsuit on
12 September 17th, 2012.

13 Have you seen this document before?

14 A I'm sure I must have if you have it.

15 Q So why do you say you must have seen this?

16 A Because I have a lot of documents on my
17 computer. I read some of them that my lawyer sent
18 me. If this was one of them, I saw it because I
19 looked at everything, pretty much.

20 Q Okay.

21 A That's what I mean by that.

22 Q Okay. So if you turn to the second page
23 of this document, there's a list of 19 people here.
24 And these people were identified as people who are
25 likely to have information "that the disclosing

1 party," which is you, "may use to support its claims
2 and defenses."

3 Do you see that?

4 A This is on the second page; right?

5 Q Yeah.

6 A Yes, I see it.

7 Q Okay. Do you know how this list of names
8 was created?

9 A No, I don't because I didn't create it.

10 Q Does this list of names identify every
11 individual you are aware of who might have
12 information to support the claims you're asserting
13 in this lawsuit?

14 A This list contains the names of people
15 that I worked with when I was at Corinthian
16 Colleges. I worked with these people.

17 Q Is there anybody else who has information
18 relevant to this lawsuit who is not listed among
19 these 19 names?

20 A How could I know that? I'm sorry. I
21 can't answer that question.

22 Q Well, you're bringing this lawsuit and
23 we're entitled to know who you think the relevant
24 witnesses are.

25 A Well, I just said I don't know.

1 A I'm not sure.

2 Q Just -- just let me finish my question,
3 please.

4 Was Mr. Martin still working at the school
5 at the time that you were rehired in San Jose?

6 A Like I said, I'm not sure. I couldn't
7 keep up with all them people because they was moving
8 around pretty frequently.

9 Q Okay.

10 A I couldn't keep up with everybody. I
11 barely could keep up with myself.

12 Q And were any of the 19 people listed here
13 at the dinner that you told us about earlier?

14 A No.

15 Q Okay. And you've not had any
16 communications with any of these folks since 2005?

17 A No.

18 THE VIDEOGRAPHER: Counsel, is this a good time
19 for me to switch the tape?

20 MS. YOUNG: Yes, let's switch the tape. Thank
21 you. Sorry.

22 THE VIDEOGRAPHER: It will take five minutes.

23 MS. YOUNG: Sure. Five minutes for a
24 five-minute break.

25 THE VIDEOGRAPHER: The video deposition is now

1 MS. YOUNG: Has the disclosure statement been
2 provided to us?

3 MR. LEVY: It has not. It's 788 -- 789.
4 That's 789 pages Bates stamped.

5 MS. YOUNG: Okay. Let's look at some of the
6 documents that we received. We'll mark this as
7 Exhibit 19.

8 (Defendants' Exhibit 19 was marked
9 for identification by the deposition officer and is
10 bound under separate cover.)

11 BY MS. YOUNG:

12 Q Okay. Exhibit 19 are documents from
13 November 5th, 2003 and from April and May 2005.

14 Do you see that?

15 A Did you say 2003?

16 Q Yes. If you look at the top right-hand
17 corner of the document.

18 A Oh, the top right. Okay. It's 2005,
19 November 3rd (sic) to -- what did you say the other
20 date was?

21 Q Well, I'm looking at the top of these
22 documents and they're dated in 2003, April 2005 and
23 May of 2005.

24 Do you see that?

25 A I see December -- I see November 2003 and

1 November -- is this the same document you have?

2 This one doesn't even have a date.

3 Q If you look at the very top line.

4 A April 2005 on that one, April 2005 on this
5 one.

6 Q And I grouped these together because they
7 look like the same type of document.

8 Have you seen these documents before,
9 Ms. Lee?

10 A Yes, I've seen them.

11 Q What are they?

12 A These are conversion rates that Earon
13 Mackey gave me when I was in San Francisco. Some
14 kind of rates. Seventy-three leads -- leads and
15 interviews.

16 Q Where are you looking?

17 A Right here, leads, interviews
18 (indicating). Leads, interviews, leads.

19 Q Okay. And you're looking at the page with
20 the number R 00023?

21 A Well, this is on four, 24.

22 Q Okay. Whose handwriting is on these
23 documents?

24 A That's Earon Mackey. That's his
25 handwriting.

1 Q What was this report used for when you
2 were an employee at Corinthian?

3 A To put pressure on you. Okay. To perform
4 when they think you're not performing. They want
5 you to perform better or whatever. They give you
6 these documents so that they can compare you to
7 everybody else who is enrolling students so you can
8 look at them and bring your numbers up if they're
9 down.

10 Q Okay.

11 A Okay. Is that good?

12 Q And you're not aware of these reports
13 being used for any other purpose?

14 A I don't know what else they would be used
15 for.

16 Q And you don't know how these reports were
17 used after you left your employment at Corinthian;
18 is that correct?

19 A No. Probably the same thing, but I don't
20 know. I can't speculate on that because they were
21 always changing things up.

22 MS. YOUNG: I'm handing you what we'll mark as
23 Exhibit 20.

24 (Defendants' Exhibit 20 was marked
25 for identification by the deposition officer and is

1 new.

2 Q But you don't know one way or another?

3 A No, I do not.

4 MS. YOUNG: I just handed you Exhibit 22.

5 (Defendants' Exhibit 22 was marked
6 for identification by the deposition officer and is
7 bound under separate cover.)

8 BY MS. YOUNG:

9 Q And your name is not anywhere on this
10 document. Do you see that?

11 A Oh, I'm looking right now.

12 Q Yeah, take a look and...

13 A This has somebody else's name up there.
14 Okay.

15 Q Uh-huh. And am I right that your name
16 doesn't appear anywhere on this document?

17 A I don't see my name on there.

18 Q Have you ever seen this document before
19 today?

20 A No, I have not.

21 Q Do you have any idea how it came to be in
22 the possession of your lawyer?

23 A No.

24 MS. YOUNG: Okay. I'm handing you what we'll
25 mark as Exhibit 23.

1 (Defendants' Exhibit 23 was marked
2 for identification by the deposition officer and is
3 bound under separate cover.)

4 BY MS. YOUNG:

5 Q This is a series of documents with the
6 header "Ad Rep Performance Flash."

7 A Uh-huh.

8 Q And they're from various dates in 2005.
9 The first date being November 4th, 2005. I'm
10 looking at the first page relating to San Jose.

11 Now, am I correct that you were not
12 employed at the San Jose campus of Corinthian in
13 2005, in November of 2005?

14 A I don't think so.

15 Q Okay. Is there a way to tell from looking
16 at this document when this report was printed?

17 A You're asking me that?

18 Q I'm asking you that.

19 A I'm not -- I have no idea.

20 Q Okay. Did you print these reports that
21 I've marked as Exhibit 23?

22 A No.

23 Q Have you seen them before?

24 A I don't recall them.

25 Q Okay. And --

1 A We used to get this kind of report in San
2 Francisco, but I don't remember seeing this
3 particular one.

4 Q You've never seen this particular group of
5 reports before; is that right?

6 MR. LEVY: Objection to form.

7 THE WITNESS: No, my name isn't on here.

8 BY MS. YOUNG:

9 Q The reports I've placed in front of you,
10 you haven't seen before; is that correct?

11 A I haven't seen this. I don't know.

12 Q Do you see the --

13 A I'm not on here as an admissions rep.

14 Q Okay. And -- and do you see in the
15 right -- lower right-hand corner where it says
16 "mgreen"?

17 A "mgreen"?

18 Q Uh-huh. Do you see that in the lower
19 right-hand corner?

20 A Yes, I do.

21 Q Do you know what that means?

22 A No, I don't.

23 Q Do you have an understanding of how this
24 group of documents came to be in the possession of
25 your lawyer?

1 A No, I do not.

2 Q You didn't provide these documents to your
3 lawyer, did you?

4 A No.

5 Q If you look on every other page here,
6 there's some handwritten notations.

7 Do you see that?

8 A Over on the side?

9 Q There may be some notations in the margin,
10 but then on every even-numbered page there are also
11 pages with handwriting on them.

12 Do you see that?

13 A Yes, I do.

14 Q Do you recognize that handwriting?

15 A No, I don't. It's not mine.

16 Q Okay.

17 A And this isn't mine either (indicating).

18 MS. YOUNG: I'm handing you what we'll mark as
19 Exhibit 24.

20 (Defendants' Exhibit 24 was marked
21 for identification by the deposition officer and is
22 bound under separate cover.)

23 BY MS. YOUNG:

24 Q And in the upper left-hand corner of this
25 group of documents they say "CP Mar Flash Summary"

1 and the date is April 7th, 2006 on the first page
2 and the dates go back to July 30th, 2005 in the set
3 of documents if you look toward the end.

4 So you had already stopped working at the
5 school by July of 2005; correct?

6 A I haven't seen these documents.

7 Q My -- my question was you had stopped
8 working for the school by July of 2005; right?

9 A Yes.

10 Q And you've never seen these documents
11 before?

12 A No.

13 Q Do you know how they were generated?

14 A No, I do not.

15 Q And do you know how they came to be in
16 your attorney's possession?

17 A No, I don't.

18 Q And you don't know what this -- these
19 documents were used for; is that correct?

20 A I have never seen these documents.

21 Q So you don't know what they were used for?

22 A My name is not on there as an admissions
23 rep.

24 Q You don't know what they were used for;
25 correct?

1 A No, I don't. Actually, these aren't reps.
2 This is something (inaudible).

3 THE REPORTER: I'm sorry. I can't hear you.

4 BY MS. YOUNG:

5 Q You have to speak loudly so that the court
6 reporter can hear what you're saying.

7 A Oh, I was just saying this -- these aren't
8 reps' names, they're cities. I thought they were
9 reps' names, but they're cities.

10 Q Okay. That still doesn't help you figure
11 out how these reports were used?

12 A No, I'm not -- I don't know anything about
13 these documents.

14 Q Okay.

15 A It looks like budgets and something and
16 starts.

17 MS. YOUNG: I'm handing you what we'll mark as
18 Exhibit 25.

19 (Defendants' Exhibit 25 was marked
20 for identification by the deposition officer and is
21 bound under separate cover.)

22 BY MS. YOUNG:

23 Q At the top of this group of documents they
24 say "Quarterly Ad Rep Activity Report" and others
25 say "Daily Flash" at the top of them. The dates on

1 these documents are from 2006 and after September of
2 2005.

3 Have you seen any of these documents
4 before?

5 A Have I seen -- these aren't my documents,
6 no.

7 Q Okay. Do you know whose handwriting is on
8 these documents?

9 A No, I do not. Not mine.

10 Q And do you know how these documents came
11 to be in the possession of your attorney?

12 A No, I do not.

13 Q Do you know how these documents that we've
14 marked as Exhibit 25 were used by the school or by
15 anyone at the school?

16 A Well, it's a daily flash and it's got all
17 the names of the schools that are under the umbrella
18 of Corinthians.

19 Q But -- but you weren't at the school at
20 the time, so you don't know how this -- these
21 particular documents were used by the school?

22 MR. LEVY: Objection --

23 THE WITNESS: Well, that's the same document
24 that they gave me when I was there.

25 MR. LEVY: Objection to form.

1 THE WITNESS: So I'm just telling you on that
2 aspect.

3 BY MS. YOUNG:

4 Q Okay. But you would have to speculate as
5 to --

6 MR. LEVY: Objection to form.

7 BY MS. YOUNG:

8 Q -- how this group of documents was used by
9 the school?

10 A What I'm saying to you, Angie -- no.

11 Q Blanca.

12 A -- Blanca, is that this same form was used
13 when I was working there. So I recognize the form,
14 but I don't recognize this document here.

15 Q Okay. You don't know if the form
16 continued to be used the way it was at the time --

17 A No, I don't know all of that.

18 Q Please, please let me finish my question.

19 You don't know how the form continued to
20 be used after you left your employment at the
21 school; is that correct?

22 MR. LEVY: Objection to form.

23 THE WITNESS: That's correct. I don't know how
24 it was used. This is -- this particular document is
25 an activity report that was used when I was there.

1 So maybe it was used after I left. I'm sure it was,
2 but I don't recognize any of those people on there
3 as -- as admissions reps.

4 BY MS. YOUNG:

5 Q Okay. And you don't know how the activity
6 report was used after you left your employment at
7 the school; is that correct?

8 A Well, it was probably used the same way
9 because it's the same form. So...

10 Q But you don't know that for a fact, do
11 you?

12 A No, I don't know that because I'm not
13 employed there. So I'm just giving you the ups on
14 it's probably still being used. I don't know.

15 MS. YOUNG: Okay. I'm handing you what we'll
16 mark as Exhibit 26.

17 (Defendants' Exhibit 26 was marked
18 for identification by the deposition officer and is
19 bound under separate cover.)

20 THE WITNESS: Thanks.

21 BY MS. YOUNG:

22 Q Have you seen these documents before?

23 A No. No, I haven't.

24 Q Okay. And do you know how they came to be
25 in the possession of your attorney?

1 A No, I don't.

2 Q And you don't know how they were used by
3 anyone at the school; is that correct?

4 A No. That's correct.

5 MS. YOUNG: I apologize for the thickness of
6 this document. We'll mark this as Exhibit --

7 THE REPORTER: 27.

8 MS. YOUNG: -- 27.

9 (Defendants' Exhibit 27 was marked
10 for identification by the deposition officer and is
11 bound under separate cover.)

12 BY MS. YOUNG:

13 Q And this is a very lengthy document, but
14 at the top of the document it says the run date is
15 September 8th, 2006.

16 Do you see that?

17 A Yes.

18 Q And this is a stat- -- it looks like a
19 status report for San Jose north.

20 Do you see that?

21 A Uh-huh.

22 Q Have you seen this document before?

23 A I've seen documents like this, yes.

24 Q Have you seen this particular document
25 before?

1 A I don't think so. If my name is on it, I
2 probably have, but I don't see my name.

3 Q There are some handwritten notations
4 toward the back of the document on a number of the
5 pages.

6 Do you see those?

7 A Yeah, some Xs.

8 Q Do you know whose handwriting that is?

9 A No, I don't.

10 Q That's not your handwriting?

11 A No.

12 Q Okay. And do you know how this document
13 came to be in the possession of your attorney?

14 A No, I don't.

15 Q And this particular report, you don't know
16 how it was used by people at the school; is that
17 correct?

18 A Well, it looks like an end-of-year report
19 to me maybe on how many leads you got and -- you
20 know, these are lead reports, looks like to me.

21 Q Okay. But you don't know how this report
22 was used by the school after you left your
23 employment there; is that right?

24 A No, I don't. How could I know that? No,
25 I do not.

1 MS. YOUNG: I'm handing you what we'll mark as
2 Exhibit 28.

3 (Defendants' Exhibit 28 was marked
4 for identification by the deposition officer and is
5 bound under separate cover.)

6 BY MS. YOUNG:

7 Q These are a series of documents that
8 relate to an employee named Melissa Wong.

9 Do you know who that person is?

10 A No.

11 Q The date on the first document is
12 October 17th, 2005. That was after you left your
13 employment at Corinthian; correct?

14 A Yes.

15 Q Okay. On the cover page of this document
16 it mentions Gina Zappariello. Do you know who that
17 is?

18 A No, I do not.

19 Q Have you ever seen these documents before?

20 A No.

21 Q Do you know how they came to be in the
22 possession of your lawyer?

23 A No, I do not.

24 Q All right. Have you ever communicated
25 with anyone associated with or employed by the law

1 firm of Milberg Weiss Bershad & Schulman?

2 A No.

3 Q Have you ever heard of that law firm?

4 A No, I haven't.

5 Q Have you ever heard of an attorney named
6 Jeff Westerman?

7 A No, I haven't.

8 Q Have you ever heard of an attorney named
9 Karen Rogers?

10 A No.

11 Q Have you ever heard of an attorney named
12 Sabrina Kim?

13 A No, I haven't.

14 Q Have you ever communicated with a
15 representative of Congress named Maxine Waters?

16 A No.

17 Q Have you ever communicated with anyone on
18 her staff?

19 A No.

20 Q Do you know a former employee of
21 Corinthian named Paula Dorsey?

22 A No, I don't.

23 Q Have you ever communicated with a
24 government accounting office or the Government
25 Accountability Office about anything relating to

1 Corinthian?

2 A Accountability?

3 Q The Government Accountability Office, have
4 you ever communicated with that federal office about
5 your employment at Corinthian?

6 A No. No, I haven't.

7 Q Did you ever communicate with the
8 Department of Education about anything?

9 A Oh, about Corinthians?

10 Q Correct.

11 A Well, I was a proctor, so I had to
12 communicate with the Department of Education.

13 Q By "Department of Education," I mean the
14 federal agency of the Department of Education.

15 A Well, that's the one I'm talking about
16 because they're over the proctoring.

17 Q Okay. So in what way did you communicate
18 with the Department of Education when you were a
19 test proctor in 1999?

20 A Well, just gave them various forms that
21 they needed to certify me. That's it. I didn't
22 really communicate with them. I had to go through
23 them to get certain forms to become certified.

24 Q Okay.

25 A So then -- then I communicated with them.

1 Q And the extent of that communication was
2 in connection with your responsibilities as a test
3 proctor for Corinthian; is that correct?

4 A Not responsibilities, just the forms that
5 you need to fill out to become certified.

6 Q Okay. And that was in the 1999 through
7 2000 time period?

8 A Yes.

9 Q And other than that, you've had no
10 communications with anyone at the Department of
11 Education?

12 A No.

13 Q Have you ever provided testimony at a
14 congressional hearing?

15 A No, I haven't.

16 Q Have you ever spoken to anybody who
17 provided testimony at a congressional hearing?

18 A No.

19 Q Have you filed any other lawsuits or
20 complaints alleging a violation of the ban on
21 incentive compensation?

22 A No, I haven't.

23 Q Have you ever filed a complaint against
24 any other educational institution other than
25 Corinthian?

1 A No, I have not.

2 Q Have you communicated with anyone from the
3 attorneys general -- Attorney General's office in
4 any state?

5 A Not that I know of.

6 Q Okay. Have you had any meetings with
7 anyone out of an Attorney General's office in any
8 state?

9 A I had -- had a meeting. I'm not sure.

10 THE WITNESS: Was that the Attorney General?

11 I'm not sure if that was him or not, but I
12 did have a meeting with -- in Los Angeles several
13 years ago with someone from -- maybe it was the
14 Attorney General's office. I'm not sure. I can't
15 remember.

16 BY MS. YOUNG:

17 Q Do you recall, was it a meeting with
18 someone in the United States Attorney's Office?

19 A Yes, I think it was. I'm not sure.

20 Q Do you recall the name of the person with
21 whom you met?

22 A No, I do not.

23 Q Was it Abraham Meltzer by any chance?

24 A I don't recall the name.

25 Q Okay. I'm just trying to see if I can

1 help you remember by providing some names about who
2 it may have been.

3 Do you remember meeting with anybody named
4 Jay Majors?

5 A Huh-uh, no, ma'am.

6 Q And you said the meeting took place in Los
7 Angeles?

8 A Yes.

9 Q And you said it was some time ago. Can
10 you give me a time frame? Like five years ago, ten
11 years ago?

12 A Maybe four or five years ago.

13 Q Do you know if that meeting took place
14 before or after you filed your original complaint in
15 this case?

16 A After.

17 Q Who else was at that meeting?

18 A Mr. Mshuja was there. I can't remember if
19 Scott was there. I can't remember.

20 Q You don't remember if Mr. Levy was there?

21 A No, I can't remember.

22 Q Was Mr. Labaton there?

23 A I don't think so.

24 Q Do you recall anyone else being present at
25 that meeting?

1 A No.

2 Q What was discussed at that meeting?

3 A Different -- Jesus. We were talking
4 about -- see, you're making me really reach back. I
5 can't even remember. It's -- you know, it's been a
6 while.

7 Q Uh-huh.

8 A I don't recall the conversation, but it
9 was about this case right here.

10 Q Okay.

11 A So I don't remember all the different --

12 Q Do you remember the general subjects you
13 discussed?

14 A No, I don't.

15 Q Aside from that one meeting in Los Angeles
16 after your complaint was filed, did you have any
17 other meetings --

18 A No, I didn't.

19 Q -- with anyone who you understood to be
20 working for the United States Attorney's Office?

21 A No.

22 Q And was that an in-person meeting you had?

23 A In person?

24 Q Was it in person in Los Angeles?

25 A Oh, it was in person, yes.

1 numbers was high -- were high. So he would get paid
2 more money.

3 Q And if I'm correct, Mr. Kaplan was your
4 director of admissions the first time you were
5 employed at the San Francisco campus; correct?

6 A Yes, for several years, yes.

7 Q Okay. And he was not your director of
8 admissions the second time that you were employed in
9 San Francisco; correct?

10 A No. No, he was not.

11 Q So he never acted as your director of
12 admissions at any time after January 1st, 2005; is
13 that correct?

14 A No, only in San Francisco the first time.

15 Q Okay. So am I correct that after
16 January 1st, 2005 Mr. Kaplan never acted as your
17 director of admissions?

18 A That's -- that's correct.

19 Q Okay. So you said your understanding was
20 that you would get some sort of an increase or a
21 raise to your salary if you met certain numbers;
22 right?

23 A Well --

24 MR. LEVY: Objection to form.

25 THE WITNESS: It was written if you wanted to

1 get a raise from campus to senior to master, how
2 many starts you had to get.

3 BY MS. YOUNG:

4 Q Okay. So again, you're just basing this
5 off of what was in the written compensation plans
6 that governed your compensation; is that right?

7 A Everybody's compensation. If you get
8 20 -- 120 starts or exceed that, you go from one
9 level to the next. It stated that in one of these
10 documents that we read. I don't know which one.

11 Q All right. So you're -- when you say you
12 had to meet numbers, you're referring to the written
13 programs that the school had in place that described
14 how people were going to be compensated; is that
15 right?

16 MR. LEVY: Objection to form.

17 THE WITNESS: No, not necessarily. I'm
18 referring to how many students we enrolled per year.

19 BY MS. YOUNG:

20 Q Right. Okay.

21 A Okay.

22 Q And what's your understanding of how often
23 you could get a raise?

24 A It's once a year, uh-huh.

25 Q And the same thing with promotions?

1 A Yeah, and they would add up all your
2 numbers and if you met your numbers, you could go
3 from one level to the next.

4 Q And to figure out if you had met those
5 numbers, you would refer to the written program that
6 the school had put in place; is that right?

7 A Yeah, yeah. That's all we had to refer
8 to.

9 Q Okay. And that same document would govern
10 other factors that went into whether or not you
11 would get a raise; is that right?

12 A Yes.

13 MR. LEVY: Objection to form.

14 BY MS. YOUNG:

15 Q Did you ever act (sic) with Jim Martin
16 after you left the San Francisco campus the first
17 time around?

18 A Did I ever act with him?

19 Q Interact with Jim Martin after you left
20 San Francisco?

21 A No, I haven't seen Jim Martin in almost,
22 say, 20 years, but a long time since I left Bryman.
23 I don't see Jim Martin.

24 Q Okay. And so the second time you came
25 back to the Bryman campus in San Francisco, you

1 A Yes.

2 Q Did it surprise you that you were
3 receiving reports that talked about how you were
4 doing in terms of recruiting people to come to
5 Corinthian?

6 A Did it surprise me?

7 Q Uh-huh.

8 A In terms of what?

9 Q Well, did it come as a surprise --

10 A It was -- it was a weekly thing that
11 happened.

12 Q Uh-huh. Were you surprised to see that
13 your performance in terms of recruiting people to
14 the school was being tracked?

15 A No, I wasn't surprised.

16 MR. LEVY: Objection to form.

17 BY MS. YOUNG:

18 Q That's what you were hired to do; right?

19 A Yeah, I wasn't surprised. I was surprised
20 when I was on top.

21 Q Mr. Levy asked you earlier what did you
22 have to do to get a raise and your response was you
23 had to make your numbers. Do you recall that?

24 A Yes, that's true.

25 Q And in responding to that question, you

1 referred to the paper that identified what those
2 numbers were. Do you recall that?

3 A No, I didn't have that paper, not then,
4 but I discussed it with you when you were talking to
5 me.

6 Q Right. So I just wanted to clarify. The
7 numbers that you believed you had to meet in order
8 to get a raise, those were numbers that were laid
9 out in the written compensation programs that you
10 received from the school; is that right?

11 A Uh-huh.

12 Q Is that a "yes"?

13 A Yes. Excuse me.

14 Q Okay. Thank you.

15 And Mr. Levy asked you whether you were
16 evaluated on anything other than the numbers of
17 students you recruited to the school. Do you recall
18 that question?

19 A Well, I recall that question earlier, yes.
20 Uh-huh.

21 Q Okay. And I asked you earlier -- we went
22 through those minimum standards. Do you remember
23 that?

24 A Yes.

25 Q And there were something like 18 of them

1 in the document; right?

2 A Uh-huh.

3 Q Do you recall that?

4 A Yes, I recall that.

5 Q And we went through a number of them and I
6 asked you whether you understood that your
7 performance was being evaluated on whether you
8 complied with each of those 18 standards.

9 Do you recall that?

10 A Part of my performance.

11 MR. LEVY: Objection to form.

12 THE WITNESS: Part of my raise was considered
13 in that, but it was -- the bottom line was numbers.

14 BY MS. YOUNG:

15 Q Okay. But part of your raise --

16 MR. LEVY: Objection to form.

17 BY MS. YOUNG:

18 Q Part of your raise depended on some of the
19 other things, including what we looked at --

20 A Getting to work on time and all that
21 stuff, naturally.

22 Q Okay. Including what we --

23 A And how I interacted with other people and
24 stuff like that.

25 Q Okay. So -- so part of your raise

1 depended on how you interacted with other people?

2 A According to that paper that they gave me
3 those fours and fives on, it did, but, you know --

4 Q Okay. And was that --

5 MR. LEVY: Let her finish her answer.

6 BY MS. YOUNG:

7 Q Go ahead.

8 A And, you know, I never understood how I
9 got fours and fives. Nobody said, "Well, you did
10 this and that's why I gave you a five" or "You did
11 this and this and this and that's why you got a
12 four." I didn't get that information.

13 Q Right. So you had no personal insight
14 into how --

15 A I was evaluated.

16 Q -- that performance evaluation form was
17 filled out; correct?

18 A No. No, I did not.

19 MR. LEVY: Objection to form.

20 THE WITNESS: And I didn't go up and say,
21 "Well, why did you give me a four or five?" I
22 didn't do that.

23 MS. YOUNG: Okay. I have nothing further.
24 Thank you so much for your time.

25 THE WITNESS: Okay. You're welcome. Thank

CHANGES AND SIGNATURE (Continued)

PAGE	LINE	CHANGES	REASON
------	------	---------	--------

- o O o -

I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct, with the exceptions, if any, noted above.

Executed at _____ on _____, 2013.
(Place) (Date)

(Signature of Deponent)

1 STATE OF CALIFORNIA)
2) SS.
3 COUNTY OF ORANGE)
4

5 I, KIMBERLY C. REICHERT, Certified Shorthand
6 Reporter, Certificate No. 10986, for the State of
7 California, hereby certify that:

8 I am the deposition officer that
9 stenographically recorded the testimony in the foregoing
10 deposition;

11 Prior to being examined, the deponent was by
12 me first duly sworn;

13 The foregoing transcript is a true record of
14 the testimony given.

15 I further certify that I am neither counsel
16 for, related to, nor employed by any of the parties or
17 attorneys in the action in which this proceeding was
18 taken, and further certify that I am not financially or
19 otherwise interested in the outcome of the action;

20 Pursuant to information given to me at the
21 time said testimony was taken, the appearance page
22 includes counsel for all parties of record;

23 Before completion of the deposition, review of
24 the transcript { X } was { } was not requested.

25 If review and signature was requested, the

1 noticing letter was send to the witness or to the
2 attorney for the witness for examination, for review,
3 corrections and signature;

4 That any changes made by the deponent,
5 according to the FRCP, and provided to the reporter
6 during the period allowed, are appended hereto.

7
8 Dated: January 4, 2013.

9
10
11 _____
12 KIMBERLY C. REICHERT
13 CSR NO. 10986
14
15
16
17
18
19
20
21
22
23
24
25